

East India Affairs
Report of Evidence

1883



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MINUTES OF EVIDENCE.

Mortis, 28^o die Februarii, 1832.



The Right Hon. ROBERT GRANT in the Chair.

RICHARD CLARKE, Esq. called in, and examined.

IV.
III
JUDICIAL.

1. WHAT is your profession?—I am a retired Civil Servant of the East-India Company, under the Madras presidency. 28 February 1832.

2. How long did you serve the Company?—From the season of 1804.

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3. In what departments did you principally serve?—In the Sudder Adawlut, and part of the time in the Board of Revenue, of which I was junior member when I left Madras. I was also Tamul translator to Government, and *ex officio* a member of the Board for the superintendence of the College.

4. During what period of the service were you in the Sudder Dewanny Adawlut?—I was in the Sudder Dewanny Adawlut from 1814 to 1820, as deputy registrar and acting registrar.

5. In filling those situations, you have of course turned your mind to the subject of the judicial administration of the Company?—I have.

6. As registrar of the Sudder Dewanny Adawlut, you carried on correspondence with the different civil courts of justice, during that time; did you not?—Yes; officially, under the instructions of the judges.

7. Had you opportunities of being acquainted with the course of proceeding in those courts?—I had.

8. Can you state what is the course of education pursued in the college of Madras, during the period of qualifying writers for their situations in the service?—My knowledge on that subject arises from my being an *ex officio* member of the college board of Madras, from 1815 to 1826, when I left India. The writers, on their arrival at Madras, were placed under the general supervision of the college board: their first duty was to qualify themselves in the languages of the country, and for that purpose they were required to select one of the vernacular languages of Hindoo origin; the Tamul, or the Telooqoo or the Canarese, or the Malayalim or the Mahratta; and as a second language they were permitted to take either the Persian or the Hindostanee: they were required to study two languages. The increase of their allowances depended upon the progress they made in their studies, as reported by the college board to the Government. Besides the study of the languages, they were also required to inform themselves on the general principles

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of the regulations enacted by the local government; and they were examined in their progress as well in the languages as in the regulations, by members of the college board. The regular examinations were half-yearly, but special examinations were also allowed when students deemed themselves qualified to apply for the increase of allowance granted for a certain standard of acquirement in the languages. When a student could translate from and into his first language, with correctness and facility, and could hold a conversation with natives upon any subject proposed to him, and could read official papers put into his hand, and had acquired a knowledge not quite so extensive of his second language, he was reported by the board as qualified to enter upon the duties of the public service.

9. Are any means taken to qualify those who are to take judicial situations?—No other but causing them to read the regulations of the government in the college, and examining them thereupon.

10. You were understood to say that some acquaintance with the regulations was required of all students in the college; is more required of those who may fill judicial situations than of others?—There is no difference made in the course of education of the students, with reference to their future employment in any particular branch of the service.

11. Is there any and what principle upon which the servants who are to fill judicial situations are selected?—They are generally selected for promotion with reference to their standing in the service, as entitling them to a superior salary; the appointment to office is in the discretion of the Governor in Council.

12. May they be appointed to a judicial situation immediately on leaving the college?—They may be appointed to ministerial offices in the courts; they may be appointed registrars, but they seldom are so. There is no rule prescribing any course of education, or any course of promotion for servants in regard to judicial offices. When a writer is reported qualified for the public service he is eligible, according to the discretion of Government, either to the revenue or the judicial department; he would enter upon those duties in the inferior grades: if he chose the judicial department, he would probably be appointed an assistant either in the zillah or provincial court, or he might be appointed a registrar; his being so would depend generally upon the number of servants who were at the disposal of the Government to fill the different offices of administration at the period. As assistant he would perform duties both on the criminal and on the civil sides. An assistant has no judicial functions to perform, he is merely a ministerial officer; but the registrar of a zillah court has jurisdiction as a judge to a certain amount. Under the government of Sir Thomas Munro it was the practice to appoint all young men, on their quitting college, to situations in the revenue department in the first instance: there is no rule of promotion established by the Government, nor is any standard of judicial qualification required, nor does any examination take place on the appointment of civil servants to judicial offices after quitting the college.

13. When does the Government take any and what means of ascertaining the qualifications of those who are promoted to judicial situations?—That is a matter which rests entirely in the discretion of the Governor in Council.

14. What opportunities has the Government of knowing the qualifications of the servants to execute judicial offices?—They have the general means of estimating the intelligence

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intelligence of a civil servant from his public acts, as recorded in the proceedings of the courts, or his correspondence with the Government.

15. Will you explain what you mean by the statement that, under Sir Thomas Munro, the writers began in the revenue department?—Sir Thomas Munro was of opinion, that more extensive general knowledge was to be obtained by service in the revenue than in the judicial department; and as the civil servants were eligible to any office under the Government, he sent them into the revenue department first, as best qualifying them for any situation to which they might be afterwards appointed.

16. At what age do the writers generally leave college at Madras?—About 20; they come out generally about 18 or 19, and they remain in college about one or two years.

17. How early is the age at which they enter on any judicial functions?—According to the course of appointment adopted of late years, a civil servant was generally appointed registrar after about three years' service in the revenue department.

18. Did he ever assume any judicial functions before he had been employed a certain number of years in the revenue service at Madras?—According to the common course of practice of late years, a man was not appointed registrar until he had served three years in the revenue department.

19. Can you state the age at which a person gets to the office of registrar?—About 23.

20. During the time he is in college, are there no books which will give him information respecting the law or the judicial system, except the Regulations?—He is not required to study any books for that purpose; those who have made progress in Sanscrit at Haileybury College generally have read the Institutes of Menu; that is one of the text-books of Hindoo law.

21. The moolavie, or Mahomedan law expounder, is an officer of the college, is he not?—Yes.

22. Is there a Hindoo pundit and an expounder of Hindoo law also attached to the college?—Yes; there are also classes of native students in Hindoo and Mahomedan law.

23. The writers do not avail themselves of that means of instruction?—They are not required to do so; the instances of their doing so are rare.

24. You know that there are translations of Menu and several other writers on the Hindoo law?—Yes, there are.

25. And also of several of the authors and writers on Mahomedan law published?—Yes, there are.

26. It is no part of the instructions given to them to obtain information by the reading of those books?—It is not.

27. Will you explain how it happens that there is no instruction in matters of law in the college?—When the civil servants of the three presidencies went to Calcutta to qualify themselves there for the duties of the public service, which was the case under Lord Wellesley's administration, they did study the laws; but after the abolition of that college, the only branch of study required to be carried on in India was that of languages. The college at Madras was established in its best form,

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after several experimental plans, on a plan formed about the year 1810 by the late Mr. Ellis, of the Madras civil service, who was a very excellent oriental scholar, and also himself well versed in the laws. One of the declared objects of the institution was to have efficient native teachers to instruct the civil servants in the languages of the country; their qualifications were to be ascertained by the board, which was formed of the translators to Government, and of some other civil servants of the establishment who were conversant with the Indian languages. Mr. Ellis was the first senior member or president. It was the duty of the board also to inquire into the debts incurred by young civil servants; a declaration upon honour was required from each at the half-yearly examination, which was of course a confidential communication, stating whether he was in debt, and the amount. By that system the board at Madras were enabled greatly to check the incurring of debt, and the satisfactory result was that the greatest portion of students quitted the college free from debt: in no case, while I was a member of that board, did it ever happen that a student in the college owed more than 5,000 rupees.

28. It is understood that the college of Lord Wellesley was intended as a seminary for the general instruction of all the civil servants under the three presidencies, both in the oriental languages and in law, as well as other departments of knowledge?—Yes.

29. And that the system the Company substituted was that of instruction in this country previously to the going out as writers, in law and in other departments of knowledge which might be requisite; and that having given the writers the rudiments of oriental languages in this country, the college in Bengal should be employed to perfect them in those languages: was the college at Madras formed after that time, and was it modelled upon the plan of the reduced college at Calcutta?—There was a succession of plans at Madras, the first of which were very simple; the last scheme was adopted on a model sketched out by Mr. Ellis.

30. In the functions of criminal justice, at what age are the writers promoted to situations in which they exercise criminal jurisdiction to any extent?—Since the transfer of the office of magistrate to the collector, which took place in 1815, a writer, immediately upon his appointment in the revenue department, was liable to be called upon to execute the duty of magistrate, as the collector might delegate to him the whole of his magisterial authority, or such part as he might deem it expedient to entrust to him.

31. What extent of power would that imply?—A power of imprisonment and corporal punishment within the limits prescribed by the regulations.

32. He might stand in the place of the magistrate almost immediately after his leaving college?—Yes.

33. What is the station at which he might ultimately arrive as a criminal judge?—As a "criminal judge," technically, his duties would be attached to the office of zillah judge.

34. A magistrate has not the power of life and death?—No; nor the criminal judge. The zillah judge is the criminal judge; his power extends to punishment to a limited extent. The next court in gradation is the provincial court, which, in its criminal character, is a court of circuit for the trial of all greater offences; they hold

hold their sessions at the zillahs within the range of their jurisdiction. All capital cases must be referred for confirmation by the court of circuit to the Sudder Fouzdary Adawlut, before they can be carried into execution.

35. At what period of their age or service do writers attain to those high judicial situations?—A civil servant is seldom appointed a zillah judge before he has served from 12 to 15 years, nor generally to the provincial court until after the further service of six or eight years.

36. Was it the principle and general practice of the Government that individuals should be promoted to those high stations according to the character for ability, knowledge and propriety of conduct they had established in situations of a subordinate kind?—The appointments to office rested entirely in the will of the Governor and Council; I should say that during Sir Thomas Munro's government, the more able public servants were appointed to the revenue department.

37. How far was the character acquired in the inferior judicial situations considered as establishing a title to advancement?—It was generally so considered, as far as the exigencies of the service would permit.

38. Do you mean to imply that there were not a sufficient number of persons?—At times there was a bare sufficiency; there was no special qualification for the judicial line, neither was the succession of appointment by degrees in the judicial department under any existing law.

39. Was there any rule that made it necessary that a person should pass through the different ranks of zillah judge and circuit judge before he arrived at the highest?—No.

40. Then it was possible that very soon after he left college he might be appointed to a high situation?—No; the high situations, with high salaries, cannot be held by a junior servant.

41. Was there any other rule of succession, except that a certain standing was requisite to the filling the places of a certain salary?—None.

42. Were the emoluments of a judicial situation such as to tend to lead men of great ability to direct their attention to those situations, in preference to situations in the revenue or other departments?—Not for some years past; the most lucrative line of promotion latterly was the revenue, and it offered the greatest number of situations.

43. Was there anything in the rank or station a judge held that would induce a man to take that situation rather than that in another department?—No.

44. Have you turned your attention to the subject how far it would be possible or desirable to provide means for the completing the instruction of those servants who were to fill judicial situations?—I think that such a measure is essential to the efficiency of the courts, and therefore highly desirable; the mode of effecting that object is one on which I am not prepared to speak.

45. In your opinion, is the instruction in the Institutes of Menu, or any of the books of the Hindoo law, advantageous?—The courts are called upon to administer to the Hindoos and to the Mahomedans respectively their own laws, and are required by the regulations to submit to the native law officers, who are appointed to their courts, the questions that are necessary to elicit an opinion from them on each point of law that may arise. The law officer, in his reply, generally refers to
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standard works, the authority of which is admitted in the province in which they are cited. The most important works on inheritance and adoption, which are two of the principal subjects of litigation in the Indian courts, have been very ably translated into English; and there are other works also translated to which reference may be had. A considerable knowledge of the principles of Hindoo and Mahomedan law, in most of the ordinary subjects of litigation, may now be attained by the study of English translations and treatises. The knowledge of the native languages, which civil servants are now required to attain, might enable them to satisfy themselves that the quotations of the Hindoo lawyers were correctly made. A knowledge sufficient to enable a judge to check the officers, and to prevent their imposing erroneous opinions or greatly misleading the court, would seem to be absolutely necessary for the due performance of the duties of the judicial office.

46. Do you think that should be added to the present system of instruction in languages?—Yes, certainly.

47. How far are the European judges dependent upon the native law officers in the administration of justice?—They could not give judgment, in civil cases, against the opinion of those officers, except on very solid grounds. Generally speaking, they are considered as bound by the opinion of the native law officers.

48. Do the native law officers give their answers, as to the law, in writing, so as to form part of the record?—Always.

49. Are the judges sufficiently acquainted with the principles of Hindoo law to exercise a check and control over the opinions of the Hindoo lawyers?—Generally speaking, at Madras, I should say they are not.

50. Will you state more particularly how the law officers are appointed, how they are qualified for their duties, and in what manner their qualifications are ascertained?—Since the establishment of the college of Fort St. George, there has been a class of native students of Mahomedan law, and another of Hindoo law, under the Sanscrit and Arabic head masters respectively. By a Regulation of the year 1817 it was provided, that no law officer should be appointed excepting after examination by the college board, aided by the native professors of Hindoo and Mahomedan law attached to the college, and by the pundits and cauzeys of the Sudder Adawlut: under this system provision has been made for a sufficient number of learned Mahomedan and Hindoo lawyers to fill those offices. Persons who had qualified themselves by study in the interior were also permitted, on coming to Madras, to be examined by the college board, and were entitled, on proof of their qualifications, to a like certificate with those who had been educated wholly in the college.

51. Are those Hindoo law officers generally well informed upon the subject of the law?—I think they are, and they are remarkably acute in applying their knowledge.

52. Those officers are in the nature of assessors to the judges?—Yes, so far as delivering opinions on points of law referred to them.

53. What is the profession of a native pleader?—The native pleaders conduct the suits of the clients before the zillah and provincial courts and the sudder adawlut; they draw all the pleadings and examine the witnesses.

54. Are they appointed to the office?—They have a sunnud or patent, authorizing them to practise; it is one of the duties of the college board to prepare yakeels

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vakeels or native pleaders, who are, however, not required to have so thorough a knowledge of the native law as those who are candidates for the offices of cauzeys or pundit: but they are examined in the native law, and are further required to have a sufficient acquaintance with the regulations passed by the Government. Individuals of this class, when found duly qualified, receive a certificate from the college board, upon producing which before the sudder adawlut, they receive the sunnud or diploma of appointment, in virtue of which they are allowed to practise in any court they may select. The object of these arrangements was as much as possible to assimilate the native to the European bar, leaving it to the clients to make their own selection of their law advisers.

55. Do they address the court in oral argument?—No; the pleadings and motions are all submitted in writing; they examine witnesses.

56. Is there any regulation as to the amount of their fees?—Yes; their fees are prescribed by Regulation; their fees are a per centage on the amount litigated.

57. Are the vakeels generally very good lawyers?—Many of them are very acute reasoners, and some are good lawyers.

58. Do they discharge their duties generally well?—Generally; the vakeels appointed of late are more able than those formerly admitted, owing to their better education.

59. Are they ever promoted to be cauzeys or pundits?—Some of the Hindoo vakeels have been appointed pundits, but before obtaining such an office they would be required to pass another examination, and to obtain a certificate of higher qualification.

60. Does the principle of payment by the amount litigated arise from the positive regulations of the Government?—It is prescribed in the Regulations that the vakeel's fee shall be at a certain rate per cent. The fees are paid into court at the commencement of the suit by the suitor, and paid over to the vakeel at the close of it.

61. Has the institution of vakeels been found to be of great utility in the administration of justice?—I am of opinion that it has; their utility must depend upon their skill and knowledge; and the better education given them of late years, and their greater experience of the business of the courts, has much improved these qualifications in comparison with what they were on the first institution of the courts of judicature.

62. What is the nature of the pleadings in those courts?—The first pleading is the plaint, which develops the case of the plaintiff; this is answered by the defendant in his answer, which, when well drawn, states the grounds of the defendant's objections to the case of the plaintiff; the regulations provide for a reply and a rejoinder, and in some special cases for supplemental pleadings. There is great variety, both in the clearness and in the length of the pleadings, depending of course upon the sense and judgment of the pleader; some of the pleadings are exceedingly well drawn.

63. Suppose a question of law arises in the pleadings, is that referred to the judge?—The judge refers the question of law to the law officer, after having gone through the pleadings and heard the evidence, and before passing his decree.

64. Are the pleadings analogous to equity pleadings in this country?—The defendant is not upon his oath.

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65. Are the law and facts blended in the same pleadings?—They are.

66. The judge having consulted the law officers on questions of law, decides upon the whole of the law and the fact of the case?—He does, reciting at full length in his decree the substance of the pleadings, the evidence taken, the reference, if any, to the law officer, with his answer, and concluding with the grounds of his own decision.

67. Are there any fees for the drawing the decrees and other official reports?—The copies of decrees required to be given to each party are written on stamped paper of a certain value; if the parties require additional copies they may have them, by paying for them on the stamps.

68. From what persons do the pundits and cauzeys respectively come?—The pundits are all Brahmins, the moolavies and cauzeys are generally of highly respectable Mahomedan families.

69. Have you seen much of the native judges?—I have not seen the courts or the district moonsiffs in operation, as I have never served in the interior, but I have known many natives who have been appointed to those situations; it was not uncommon of late for persons who had qualified themselves either for law officers or for vakeels, to solicit and receive appointments as district moonsiffs; but any respectable native of known qualifications, and without any particular examination, might be appointed a district moonsiff. The sudder aumeens, who are the Mahomedan and Hindoo law officers of the zillah and provincial courts, also exercise judicial functions, and have jurisdiction to a limited extent in cases referred to them by the zillah judge.

70. Do the Mahomedan and Hindoo law officers sit together in the court, or constitute separate courts?—They sit separately.

71. Describe the distinction between the court of sudder aumeens and the court of moonsiffs?—The sudder aumeens can only receive such suits as are referred to them by the zillah judge, but the district moonsiffs have original jurisdiction to an amount limited by the regulations.

72. Is there any appeal from the decisions of either?—Yes, to the zillah judge.

73. Are such appeals frequent?—I believe that no very great proportion of decisions of sudder aumeens or district moonsiffs are appealed.

74. Do you conceive that the appointment of native judges has, upon the whole, answered in such a manner as to justify more extensive employment?—I think fully so, so long as there is an appeal from their decisions to a tribunal at which an European judge presides.

75. Supposing there were no such appeal, what do you conceive would be the consequence?—I think that the decisions of a native court, whose decrees were final, would not be confided in by the natives themselves in any but small suits; and I think that in the very imperfect state of morality among the natives of India, there is not at present sufficient security for the pure administration of justice uncontrolled.

76. Is it not possible that the very circumstance of reposing more confidence in them would tend to improve them?—I do not see how that effect can be produced, while they are open to so much temptation, and while their principles are so lax.

77. In point of fact, do you conceive the liability to an appeal operates as a very considerable check on the conduct of the native judges?—Certainly, a most important check.

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78. Is there not a class of causes in which there is no appeal?—The decree of the district moonsiff is final, I think, as far as 20 rupees.

79. In the decisions where their decree is final, are there complaints made of those decrees?—I believe not: native judges are liable to be sued civilly, and prosecuted criminally, for corruption or bribery.

80. Do you recollect at what period the authority of these judges was introduced to the extent to which it now exists?—There had been for many years native commissioners, not altogether so respectable as the present district moonsiffs. The number of these judges was considerably increased, and their jurisdiction was extended, by regulations passed in the year 1816.

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The Right Hon. ROBERT GRANT in the Chair.

RICHARD CLARKE, Esq. again called in, and examined.

81. HAVE you ever turned your attention to the question in what manner the Company's servants to be employed in judicial situations may best be qualified for the discharge of that duty?—I have considered the subject a little since I had the honour of being before the Committee last. In comparing the course of education laid down in the regulation for the college at Calcutta, under my Lord Wellesley, with the systems now pursued, it appears that every branch of knowledge there taught has been provided for either in England or in India, excepting the study of Hindoo and Mahomedan law. General instruction in law is given at Haileybury college, but it is, I apprehend, merely in the rudiments; and it is known that in every branch of study there is great variety of proficiency and attention exhibited by the students, consequently a considerable number quit the college but slightly imbued with even those general principles of the administration of justice; but on the principles of the Hindoo and Mahomedan law, I believe no particular instruction is given at the East-India college. It is also of great importance towards fitting a man for the discharge of the higher judicial functions, that he should acquire, by due preparation, the power of discriminating between truth and falsehood in taking evidence, and certain fixed principles which may generally govern the admission of evidence. For want of practice in these particulars the Company's servants are generally left to form their individual opinions of the mode of determining on the credibility or otherwise of the evidence before them. I think it is owing to this want of experience, and of training to this part of the judicial duty, that complaint is so frequently made of the difficulty of ascertaining the truth, and distinguishing

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distinguishing between truth and falsehood in suits between natives. To remedy these evils it would appear necessary that more detailed instruction in law should be given, and that the civil servants should have the opportunity of forming themselves for the administration of the higher judicial functions by witnessing the proceedings of regular courts. The judges of all the Company's courts in India, from the lowest to the highest, have been equally left to fit themselves for the discharge of their functions, and consequently there is no greater certainty of acquiring valuable experience in the higher than in the lower courts. It is one of the duties of the court of Sudder Adawlut to regulate the practice and proceedings of the lower courts, and this they do by written orders upon points referred for their direction, or upon any subject that arises in the course of the proceedings which come before them, and which may seem to require interference on their part to correct errors or to ensure consistency. But a very small portion of the Company's servants have an opportunity of witnessing this part of the proceedings of the Sudder Adawlut, as applicable to the general administration of justice; and the mere occasionally reading of an order will convey little general knowledge to the reader of it. If the proceedings of the court of Sudder Adawlut were under the direction of judges more regularly trained in the study and practice of law, and if the proceedings before them were carried on by oral pleadings in the English language, considerable facility might be afforded for the practical study of the administration of justice to the Company's junior servants; and if examination in the laws which they are to administer were made to precede appointment to the office of judge, it does not appear impracticable to train the Company's servants for the discharge of judicial functions, even in the course of their service in India.

82. In what way are the proceedings of the courts made known to the sudder adawlut, so as to give them the opportunity of judging of them, and providing an uniformity of practice?—First, by appeals, in which every proceeding and order of the lower court is laid before the Sudder Adawlut in writing; secondly, by petitions presented to the Sudder Adawlut by parties who consider themselves aggrieved by any order or proceeding of the inferior court; and lastly, by examination of the periodical reports of suits decided by the lower courts, the review of which occasionally suggests doubts of the propriety of the proceedings in the courts below, when a reference is made to the inferior court for information and explanation.

83. Do you mean it is compulsory on the judges of the lower courts to make those periodical reports?—It is provided for by the regulations.

84. Have you had occasion to see that even the merely rudimental instruction in law which is acquired at Haileybury proves beneficial in framing the orders for judicial proceedings?—Certainly, in giving general principles of equity and justice. I have always found the judicial officers of the Company anxious to discharge their duty, not only with uprightness, but with great independence.

85. You say that the difficulty of discriminating between truth and falsehood in native suits arises partly from the want of proper instruction in those who have to judge; is it in any degree produced by the want of the quality of truth or veracity in the natives?—Undoubtedly, to a great degree. A native will in general give his evidence rather with reference to the consequences of what he may say to his own interest, than from any regard to its truth or falsehood.

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86. Are you aware that it has been urged as one reason for employing native juries and punchayets, that natives are much better able than Europeans to elicit truth from native witnesses?—I am aware that that is one of the reasons urged. There is no doubt that their more familiar acquaintance with the language and habits of their fellow-countrymen must give them a considerable advantage in the discernment of truth; but I think that generally, where the habit of examining evidence exists, as in the judges and counsel in the King's courts in India, the truth is generally arrived at.

87. You mean when natives are under examination?—When natives are under examination.

88. Do you mean to say, that the barristers and judges of the King's courts, though from their education less familiar with the habits of the natives than the Company's servants, yet are more successful in eliciting truth from native witnesses?—I think they are generally so, on the whole; that they are more certain of arriving at the truth.

89. Do you consider the experiment of employing punchayets, on the whole, as having failed or succeeded?—At Madras I believe it has entirely failed.

90. To what cause do you ascribe its failure?—To the unwillingness of natives to take upon themselves the trouble of deciding causes without remuneration, with the probability of bringing upon themselves the ill-will of the parties before them, and certain occupation of a great portion of their time in matters in which they have no personal interest; also to the want of confidence on the part of the natives in their decisions.

91. That is, you mean of native suitors?—Yes, of native suitors in the decision of punchayets.

92. Then how far do you think it would be possible to extend the use of native agency in the administration of justice in the Company's courts?—It appears to me that it might be done by associating natives with Europeans in the discharge of those duties: their assistance would be of great advantage as assessors or co-judges; and by being associated with European judges, they would acquire the habit of administering justice without being so much exposed to those temptations and to those influences which have been found generally to affect their conduct in proportion as they are vested with independent authority, and on the extent of which we possess probably less accurate information than on any other relation of the native character.

93. Do you think that the natives, by being employed in administering justice, would by degrees learn to act more independently than Europeans?—In order to the improvement of the native character, I think there is wanting a better moral principle in themselves individually than they are now found to possess, and a more powerful influence of moral opinion on the part of native society. At present their morality affords little internal control over their actions; it does not furnish them with a conscientious check on their conduct; and there is no control of public opinion acting upon them externally. Injustice or misconduct which should prove successful in making the fortunes of a native, would attach no disgrace to him in the estimation of his countrymen.

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94. How is perjury punished?—Perjury is punished under the Regulations, by imprisonment and hard labour; I am not sure whether by transportation, but by imprisonment and hard labour certainly.

95. Are prosecutions for perjury frequent?—Very frequent.

96. What is the effect upon the character of a native, on his having been prosecuted for perjury, and convicted?—If the man is of a character to which from rank or caste any degree of respectability or sanctity attaches, those qualities would not be affected by his punishment, in the minds of the natives. I believe that persons holding offices attached to temples have been viewed with equal reverence and treated with equal deference in regard to their spiritual authority, while under actual punishment for perjury.

97. And would it not operate as a stain upon them in society?—Not among themselves.

98. In the event of an increased introduction of Europeans, either for the purposes of trade or settlement, into the Company's territories, have you considered whether and in what way the judicial system of the Company must be altered to adapt it to the consequent state of things?—The question is a very difficult one, but I will endeavour to state what occurs to me. In the relations of commerce the dealings of the Europeans would be with the natives on the spot; it would seem necessary, therefore, that one law should exist, which should be equally administered to both: this would seem to render it necessary that the principle of legislation must adapt itself rather to the state of the European than of the native. The natives have been for centuries subject to despotic government: the laws enacted by the British Governments in India for the regulation of their servants, though in their general principle eminently equitable and just, have left more to the discretion of the local officers in the provinces than perhaps could be allowed if they had European settlers to deal with. The laws must be more definite and precise, and must be so administered as to ensure both efficacy and uniformity. The revenue laws, it would seem to me, must be drawn with great care and clearness, in order to avoid frequent collision between the European settlers and the officers of the Government; and being drawn by competent persons, must be administered with firmness and vigour. It appears to me, that since we are charged with the government of a country, the people of which have always been accustomed to the most submissive obedience to their rulers, and that submission having hitherto ensured the peace of the country, it is incumbent on us to protect our native fellow subjects from the evils that must necessarily arise, if contention between the Government and European settlers should be of frequent occurrence. An European, reckless of consequences and selfishly devoted to his own interests, might create such disturbance in a district, or might so impede the operations of the officers of Government, that the public administration would be almost at a stand: to guard against such an evil, it would appear necessary that a power of removal should be vested somewhere, either in the executive government, or, if it could be done, in courts of justice.

99. Would it be necessary in that case to alter the law of property, in order to render it uniform both to natives and Europeans?—Not the law of property, I should

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I should think, which would always follow the law of the party sued in a court of justice.

100. Is not great inconvenience found to result from a rule which regulates the determination of suits by the law of the defendant, where the parties are of different nations or religions?—I am not aware of any practical inconvenience resulting from that rule: the laws of succession and inheritance of the Hindoo and the Mahomedan are so different from each other, and from the English law, that they must, it appears to me, exist separately; and I cannot conceive that we should be justified in refusing to either of the classes of our native subjects the succession to property according to that law which had governed it for so many centuries.

101. Supposing a case of contract, is there a difference in the systems of law?—There is; but it would be much more easy to assimilate the laws of contract, I should think, than those of succession. Indeed questions of contract in the Company's courts are generally decided on principles of equity and good conscience.

102. Supposing a case of cross suits, relating to the same subject-matter, would not there be a clashing of decisions?—I cannot exactly see how. I wish to add to a former answer, that one of the principal difficulties that would present itself to the entrusting natives with the administering of justice to any very great extent, singly, would arise from the character of the native code, which containing many admirable principles of justice, and exhibiting the only rules by which we can be guided in assigning property in succession, and determining on rights of adoption and some other points, have mixed up with those subjects much that is so absurd or so unjust that no Christian tribunal could administer it as a whole. But it would seem difficult to prescribe a limit to a native judge in the administration of his own law, and decisions passed by him might be of such a character as would exceedingly embarrass a court of appeal in disposing of them. If natives were admitted to sit with European judges, and to a certain degree under their control, this evil might be sufficiently guarded against, while the native would be thus admitted to a more liberal participation in the administration of justice, and would acquire habits of mind from the European judges which would probably have an extensive influence on his character, and through him, on those connected with him.

103. Since the natives do actually sit alone as judges in cases of small importance, is there any inconvenience found in those cases from the cause that you have last mentioned?—I believe not. Their jurisdiction has been hitherto considerably limited, not only in amount, but in the nature of the claims on which they were to adjudicate. They had greater jurisdiction in cases of personal than of real property.

104. You mean that the case has not been such as to involve in so great a degree the peculiarities of native law?—Generally not.

105. Might it not be possible to form some common course of instruction to which native judges, as well as Europeans, should be subjected?—The native judges of the principal classes, who have the highest jurisdiction, have generally been well trained to a knowledge of their own laws, including the law of evidence and logic. This last is one of the branches of the study of every native lawyer, and certainly makes them acute and sharp reasoners, though it is no part of the avowed object of that study to lead to the satisfactory ascertainment of truth, but rather to the ingenious

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nious defence of the proposition to be maintained. I should think the course of common study referred to might be practicable, but the effect of such a system would not develop itself immediately, it would need the operation of time. I am far from thinking the native character incapable, though it stands in need, of improvement. I think very highly of the natives, as diligent, acute, laborious, and anxious to acquire knowledge, and I think the extent of even their moral attainment fully equal to what might be expected from the institutions and habits of their country; but I do not think that they are at present in a state to be employed in responsible judicial functions without the supervision of Europeans.

106. Have you had an opportunity of seeing how far there is a general confidence in the decisions of the Company's courts?—I think there is a very general confidence in the integrity of the Company's judges, but not always in their skill. But there are among the Company's servants as many as under the circumstances could be expected, who have taken great pains in the acquirement both of general and of judicial knowledge. Still the circumstance that such qualifications are not examined into or required, and the frequent removals from one department of the public service to the other, have presented obstacles to the preparation of a sufficient number of persons to fill all the judicial situations existing at any of the presidencies, I believe; certainly under that of Madras.

107. Supposing a system formed for the instruction of the Company's judicial servants, should you contemplate it as a part of that system, that there should be a selection of persons for the judicial profession, according to the qualifications which they manifested?—I think there should; but as all the departments of the government must be filled out of the body of civil servants, it might occasionally occur, even under such a system, that a judicial office would require to be filled by one not so prepared. There would seem no objection to the employment of persons qualified for judicial office, in the other departments of the service.

108. Do you mean that those persons under education, found unfit to be judges, should be promoted in other lines?—Persons whose turn of mind or inclinations would not lead them to qualify for judicial situations, might nevertheless be very valuable officers in other departments.

109. Could there be any plan by which you should have a larger number of persons, out of which to select those who were to be employed, than the number of judicial places to be filled; and if any such plan be possible, should it be carried into effect in this country or in India?—As the number of eligible persons is generally fully equal to the number of all the situations under the government, and as the judicial situations are not a very large portion of those appointments, I should think it would be practicable to qualify a sufficient number of civil servants at each presidency, out of whom to select for the higher judicial situations. The legal education of civil servants in England, before quitting the country, should be carried to a greater extent perhaps, by affording some immediate encouragement or reward to such as should apply themselves diligently to it. And if the proceedings, not only in the Sudder Adawlut, but in the superior provincial courts, were more open, if oral pleadings were admitted, and witnesses examined always by the judges of the court, as in our courts of justice in England, then under the superintendence of well-selected judges in those courts, and with a gradation of appoint-
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ment established from the inferior to the superior judicial situations, I should think a sufficient number of civil servants might be educated to fill the benches of the zillah courts, the provincial courts, and the sudder adawlut. There are now some excellent judges in the adawlut courts in India, but their qualifications have been the result of their own diligence, coupled generally with a long period of service limited to the judicial department, and that generally in compliance with their own wishes and desires.

110. Have you heard it suggested, or would that be expedient, if one judge of the Supreme Court sat as a member of the Sudder Adawlut; what would you think of such a suggestion?—I think it would be very desirable to have one English lawyer on the bench of the Sudder Adawlut, as well to administer justice according to the general and broad principles of our judicial regulations (which being grounded on rules originally proposed by an English judge, Sir Elijah Impey, would present no difficulties in their administration to such a person), as also to regulate and improve the practice of the courts subordinate to the sudder adawlut. But whether the judge of the Sudder Adawlut should also be a judge of the Supreme Court, is a question of doubt. Indeed it appears to me that the existence of two concurrent jurisdictions, both called supreme, within the same limits, is an anomaly that is productive of very considerable inconvenience.

111. How far can those courts be considered as concurrent?—They are so far concurrent that cases have occurred in which opposite decisions have been come to by the Sudder Adawlut and the Supreme Court, on the same rights, supported by the same evidence.

112. In such case what has been the result; has it occasioned an appeal to this country?—A case to which I was particularly referring was one which occurred at Calcutta a good many years ago, and on some points of which an appeal is now unproceeded in, in England. A Hindoo claimed succession to some property, the greater portion of which was in the provinces. The suit came up by appeal before the Sudder Adawlut: the right claimed turned on the question of adoption: the Sudder Adawlut rejected the claim; the party obtained permission to appeal to the King in Council. Before the appeal was sent home he presented a petition, praying leave to withdraw the appeal, as he and his opponent had compromised. In consequence of this application the appeal was taken off the file of the Sudder Adawlut. A few months after he applied again for leave to revive his appeal, alleging that the deed of compromise had been extorted from him by the other party. The Sudder Adawlut referred to the zillah court through whom the deed of compromise had been transmitted, and learned from the judge of that court that the party had appeared before him, and had most satisfactorily stated the act to be voluntary on his part. Under these circumstances the Sudder Adawlut refused leave to revive the appeal. The party then indicted certain persons before the Supreme Court at Calcutta, for a conspiracy to extort from him the deed of compromise; they were convicted, and sentenced to fine, imprisonment, and pillory. An appeal was made to England on the question whether the pillory could be legally a part of the sentence. The whole of the proceedings on the criminal trial was brought in to the Sudder Adawlut by the petitioner, as a ground for the granting of a renewed petition that the appeal to England might be revived. Failing in
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his application, he brought an action of ejectment in the Supreme Court, for the recovery of a small portion of the property of the same estate, which happened to be within the jurisdiction of the Supreme Court. The same evidence which was produced in the Company's courts was diligently and minutely examined by the judges of the King's court. The judgments pronounced by each of the three judges were taken down, and formed the grounds of another application to the Sudder Adawlut for leave to appeal to England. The judgment of Sir William Burroughs, one of the puisne judges, coincided with that of the Sudder Adawlut; but those of Sir Henry Russell and Sir John Royds being opposed to his, the majority of the court decided in favour of the claim to succession. The court of Sudder Adawlut, however, still adhering to their own view of the case, again refused to revive the appeal; and the point of appeal to England is, whether the Sudder Adawlut was justified in that refusal. The name of the plaintiff in that case was Rajah Moteelal Opadhia; and that of the defendant was Jagganath Gurg.

113. Have you considered the plan which has been proposed for the institution of legislative councils at the Indian presidencies; and if so, what is your opinion of it?—I have read the papers printed in the 5th Appendix to the Evidence that has been given before the House of Commons, but only hastily, and the subject is of too great magnitude to form a hasty judgment upon. It certainly appears to me that the combination of the knowledge and experience of English judges with those of the Indian governments, would afford the best hope of forming such laws as might be administered with advantage, especially in the event of Europeans being permitted to reside in India in any great numbers. The difficulties which have embarrassed both the courts and the Government abroad have arisen in a very great degree from the looseness and imperfections of the statutes regarding India drawn in England; and it would appear impossible but that it should be so. But in order to make the system perfectly effective, it would be most desirable that a greater degree of interest should be excited in England in matters relating to Indian government, and that a more regular and constant acquaintance should be kept up by Parliament and the public authorities with the course of our administration in those extensive and important dominions.

114. Do you consider it is an essential part of such a plan that the council should be composed partly of judges of the Supreme Court?—I think so, if the Supreme Court is still to continue under a separate authority from that from which the Government derive their power; if the law is to be administered to Europeans by a court which has but a limited jurisdiction over natives.

115. In what way can it be material to have those judges a part of the legislative council?—Because the differences which have occasionally arisen between the Company's government and the King's court are in a great degree traceable to the imperfection of the present state of legislation, to the want of clearness, precision, and fulness in the statutes relating to India. The admission of the King's judges to be parties in making new laws would, I have no doubt, prevent the recurrence of similar difficulties. I assume that the differences alluded to have arisen rather out of the difficulties which the judges of the Supreme Courts have met with in interpreting and acting under the law as it now exists, than from any wanton opposition to the government. If the laws were drawn by the two authorities

thorities together, the root of those causes of dissension would, I conceive, be removed.

116. Could the natives be consulted upon that subject?—I should think that natives might be consulted with great advantage, and that they should be so; but I do not think that they are at present in a state of sufficiently advanced mental cultivation to render it advisable to give them a vote in such an assembly. One of the greatest difficulties that we have to contend with in our dealings with the natives arises from their aptness to make use of the influence which they are supposed to acquire from frequent and near intercourse with Europeans in high authority, to attain undue objects of personal advantage; and to this end they too often misstate the quantum of their influence and authority. Or if a native employed in a high duty be himself exempt from this fault, he would not be exempt from the suspicion of it, and improper means would in all probability be resorted to by others connected with him to avail themselves unduly of the influence which he might be supposed to have. It is the difficulty arising from these circumstances that has frequently led many Company's servants of the highest integrity to avoid intercourse with the natives, lest they should subject themselves, or the persons whom they consulted, to the evil consequences to which I have alluded.

117. Do you confine that to Madras?—I believe it is general.

118. In what mode do you think the advice of natives could be obtained, short of giving them an actual vote in the legislative council?—By the most free communication, both in conversation and in writing; and by associating them with us in whatever duties are performed in public, and open to general scrutiny and examination.

Veneris, 16^o die Martii, 1832.

The Right Hon. ROBERT GRANT in the Chair.

HOLT MACKENZIE, Esq. called in and examined.

119. WHAT is your opinion generally of the character and qualifications of the native judges, both Hindoos and Moslems?—I believe that those who in Bengal are called Sudder Aumeens (literally, head referees), being the highest class of native judges, and who get a salary varying from 150 to 240 rupees a month, are in general very respectable, and that they are accordingly well esteemed by the judicial officers under whom they act.

120. State in what courts they exercise jurisdiction, if you please?—They have cutcherics or courts of their own, but are established at the places where an European officer is stationed; and they have authority only to try cases that are referred to them by the European judge, either original suits, or appeals from decisions passed

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passed by the inferior native judges. These, most of whom are stationed in the interior of the districts, with jurisdictions ordinarily corresponding in extent with the police subdivisions, and with original cognizance of suits of a certain amount or value, in which the parties are natives, are called *Moonsiffs*. They receive no salaries, but are paid the amount of the stamp duty taken in lieu of the institution fees on the suits decided by them. In many places they are very wretchedly paid, and are, I believe, exceedingly bad judges.

121. These are all under the *zillah* courts?—Yes. The civil courts of a district are as follow: 1st, The *Moonsiffs*, whose number varies greatly, averaging about fourteen in the Lower, and nine in the Western Provinces: they have original jurisdiction to the extent of 15 *l.* in cases wherein both parties are natives; and from their decisions an appeal of right lies to the district court. 2dly, The *Sudder Aumeens*, for the trial of cases referred to them by the district judge; of these there are never less than two in a district, the situation belonging, *ex officio*, to the *mooftee* and *pundit* (the Moslem and Hindoo law officers or assessors) of the district court; and others are appointed according to the wants of the service; several districts having in all five: their jurisdiction extends to suits of 100 *l.* From their decision there is an appeal of right in all cases decided by them in the first instance. From decisions passed by them in cases of appeal from the *moonsiffs*, there is what is called a special appeal, which the judge may and ought to reject, if not satisfied that there are special grounds for revising the *aumeen's* judgment. 3dly, The Court of the Registrar, whose ordinary authority is confined to the trial, on reference by the district judge, of original suits not exceeding 50 *l.* in amount or value, with an appeal of right to the judge; some registrars being vested with special powers, to whom the judge may refer original cases exceeding 50 *l.*, and also appeals from the decisions of the native judges. Lastly, the District (*zillah* or city) Court, the judge of which has original cognizance of all cases not exceeding 1,000 *l.*, with an appeal of right to the provincial court in cases tried by him in the first instance; a special appeal lying from decisions passed by him, or appeals from the courts of *moonsiffs*, *sudder aumeens* or registrars. There is usually only one registrar in a district sitting at the same station with the judge; but in some large and populous districts additional registrars have been appointed, who hold their courts at places distinct from the head station of the district, being also joint magistrates. All the officers I have mentioned are paid salaries excepting the *moonsiffs*, whose remuneration consists in the amount of the stamp duty taken in lieu of the institution fee, in suits decided by them.

122. There are no fees in those courts, except stamp duties?—There are no fees allowed to any of the officers of the courts; and the government fees on the institution of suits and appeals, on the filing of exhibits, on the summoning of witnesses, on pleadings and petitions, and copies of papers (the first only is chargeable in the *moonsiffs'* court), are all levied in the form of stamp duties, as settled by Regulation I. of 1814. But the *vakeels*, or native pleaders, who are not properly officers of the court, though appointed by the judges, are remunerated by fees deposited by the parties in court, the amount of which is regulated by a government regulation, and varies according to the amount or value of the thing in suit.

123. Those fees are all regulated?—Yes, they are all regulated.

124. With

124. With respect to these Sudder Aumcens, when you say they are respectable, did you speak of their judicial qualifications as well as of their private characters?—I believe there is no want of talent among them.

125. In point of knowledge of their own law, they are well versed and expert?—I imagine so, generally. The Mooftees or Moslem law officers are usually reckoned men of learning, and well versed in their law, as the pundits are in theirs. But the number of cases turning upon points of inheritance or other questions, in deciding which our courts are guided by the dogmas of the Hindoo or Moslem codes, are comparatively few; and in cases of ordinary contract, they commonly decide according to their notions of what is equitable, with such reference only to local law and usage as may be necessary to ascertain the meaning of the parties entering into the agreement.

126. Will you state whether you conceive that their ideas of equity, according to which they interpret contracts, are founded upon just principles; whether the principles of judicature are good in these cases?—I believe that their decisions are generally good, at least as good as most of those of the European judges above them; but I am not myself qualified to estimate a very high standard of judicial excellence; and I do not of course mean to compare these men with the more accomplished judges of this country; but as far as I can judge, I believe many of them to be very capable of sifting and judging of evidence, so as to reach the facts of the cases tried by them, and of applying correctly just principles. This opinion I hold particularly in regard to the Moslem law officers, whom I have known, and whom I regard not only as men of learning, but of acute and logical intellects, well adapted to the administration of judicial affairs. The Pundits or Hindoo law officers, of whom however I know less, though often learned men, are generally more recluse; and are said to be wanting in knowledge of the world; and independently of those who are considered to belong to the learned classes, numbers of natives, both Hindoo and Moslem, are to be found with much talent and great aptitude for business.

127. You state that the moonsiffs, who are all ill paid, are indifferent judges, and you seem to think the sudder aumeens better judges, who are respectably paid; how far do you conceive that the raising of the emoluments of the moonsiffs would be the means of their qualifications being improved?—I think that by raising the salary you could command any amount of talent you chose. Of the present moonsiffs, indeed, I believe many are men who could not be much improved by any change; but, doubtless, there are among them some men of talent; and if all native judges were put, in point of emolument, on the footing of the sudder aumeens, or had the prospect of becoming so, I conceive that you could immediately obtain for all the courts required, judges with qualifications equal to those which you now have in the sudder aumcens; and it also appears to me, that by holding out the prospect of certain promotion as the consequence of merit, and by facilitating education, you might soon get still higher qualifications.

128. Will you state more particularly any new way that you consider will facilitate the education of these persons?—Already a good deal has been done by government. In the colleges at Calcutta especially, the system of education has been much improved. Besides their own learning, many of the students are now

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attending to English: mathematics particularly are cultivated; and there is a gradually extending acquisition of general knowledge. By pursuing the system, by establishing more seminaries under proper superintendence, by supplying instructive books, and especially by promoting the acquisition of the English language and science, we may soon give to the educated classes more enlarged notions, notions that will certainly fit them better for communicating and co-operating with us. But of all the means that government can use for promoting the education of the people, and their progress in knowledge and morals, none I conceive will be so effectual as the distribution of public patronage, so as to hold out a fair prospect of promotion to liberal rank and emolument to those who show themselves superior men.

129. At this moment what are the means of education for these native judges, and especially the *sudder aumeens*?—For the Moslems there is the *Mudrissa* or College at Calcutta, in which law and all branches of Mahomedan learning have long been taught; and, more recently established, there are academies at Agra and at Delhi, where both Mussulmen and Hindoos receive a more popular education. The Hindoo law is taught in government colleges at Calcutta and Benares. The students who are admitted on the foundation of the government colleges are selected on a competition of candidates; and most of them, after passing through the prescribed course of study at those institutions, obtain certificates that they have acquired such a knowledge of law as to qualify them for the situation of law officers in any of the established courts; to which, if appointed, they become, as I have mentioned, *ex officio*, *sudder aumeens*. A similar testimonial is required from all candidates for the situation of law officer, wheresoever educated. The other *sudder aumeens* and the *moonsiffs* are appointed on a general report of their being qualified for the trust; and for both classes there exist, independently of government institutions, various means of education common to Hindoos and Mahomedans, more or less efficient. There are schools of which the masters live by the fees of their scholars, as in this country. Teachers entertained by individuals usually instruct the children of neighbours; and throughout the country, almost every man noted for learning is himself an instructor of youth. I do not remember hearing of any celebrated doctor or pundit who had not young men waiting upon them as pupils, and learning the law and other sciences at their feet. In this way a great many young men are educated in almost every district; but it is not easy to say the precise extent to which instruction is thus conveyed.

130. Do the pupils pay the teacher?—Not generally for instruction of a highly learned character. Those who teach merely Persian or Hindee either take fees from their scholars, or are paid by the heads of the families in which they are employed. But men at all celebrated for learning, and indeed most of the instructors in Arabic and Sanscrit, usually give tuition gratis; often, indeed, feeding and clothing their pupils; and at the government institutions there are a considerable number of students who get a small allowance for their support, it having always been the practice of native colleges, that the student should not pay but be supported. The habits of the people being very moderate, a few shillings suffice for the support of a student. The rank and reputation of a man of learning are promoted by his having many pupils; and both masters and scholars in many cases

cases get presents on occasions of solemnity ; it being indeed no disgrace to a poor student to beg.

131. These pupils, then, are not of use to their teachers as they advance?—I never heard that they were of any use. The men of learning who gather pupils about them look more to the reputation of the thing than to anything else.

132. Perhaps in that way promoting their employment?—Chiefly in promoting their rank in society.

133. Now with respect to the allowance in the Government College, is that allowance made by government?—Yes. A part of the general fund is appropriated to the support of a certain number of students. It has been an object with us latterly to encourage the attendance of students who are willing to attend, without pay, for the sake of learning ; but with reference to the usages of the people, the change could only be made gradually. I do not doubt that before long all such allowances may cease.

134. Then you think it probable that the value in which tuition will be held will give it a price?—Certainly, if the government hold out the prospect of promotion and tolerably well paid offices as the probable reward of merit.

135. Do the teachers who engage in this private tuition preserve the same system of law and practice, or is any inconvenience found by the private tuition being in separate hands?—I believe the tuition is generally far inferior to what the government institutions give, being less regularly pursued ; but the course of legal study is, I believe, so prescribed as to prevent any essential diversity of system, excepting what arises out of difference of sect among the Moslems, and the prevalence, locally, of different rules among the Hindoos, which does not, I apprehend, practically operate to occasion any difficulty.

136. Do you conceive on the whole, by a more extended means of education, by acting on the principle of competition, and by giving better pay to the inferior judges, that great improvement could be made in those judges and in the efficiency of the law?—I should think a very great improvement indeed might be made in the efficiency of the law, and especially in the qualifications of the lower order of judges, by a sufficient increase of pay, so as to make their office respectable, instead of being, as now, miserably paid and little esteemed.

137. Describe more particularly the mode in which these persons are appointed to the situations of sudder aumeen or moonsiff.—At present they are generally appointed on the recommendation of the judge of the court, who reports their sufficiency.

138. Is it merely by the certificate of the European judge that they are appointed?—For law officers a prescribed certificate, granted after examination by a committee appointed for the purpose, is required, as evidence of their knowledge of law. Their other qualifications are taken on the report of the judge ; and in respect to native judges, not law officers, their appointment depends wholly upon the recommendation of the officers who nominate them, in regard to character and qualification. Even the certificates granted on examination, like the title of doctor assumed or allowed by the common voice, can be taken to prove no more than that the man has studied certain books, and read much and long : how far he may have used that reading is another question ; and there being no competition, the appointment

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ment of all may be said to rest entirely upon the recommendation of the nominating judges.

139. Could means be found to bring into a more accurate test the qualifications of these persons before they are employed?—I think the best test, and which might be gradually employed, would be found in requiring all the men who look to the office of native judge to commence as pleaders. Already the government colleges grant to students certificates which entitle them to act as pleaders; and gradually, I should think, we could, by requiring similar testimonials from all candidates for that situation, get the native bar filled by men of education, who should also be selected as executive officers of the courts. Then if from the best of them the native judges were selected, and if at the same time a gradation in rank and pay were established among the native judges of each district, a very effectual system of competition would result. My notion is, that for an average-sized district twelve native judges would suffice, and that with a gradation of from 100 rupees to 500 rupees a month, those twelve, all being men suitably qualified, might be obtained for about the sum that is now paid to one English district judge, that is to say, 30,000 rupees a year. And I conceive that the native judges should in the first instance be chosen from among the vakeels; and then that their promotion from the lower to the higher rank should be made to depend on the mode on which they discharged their duty, especial reference being had to their good character, to the number of suits decided by them, and the fewness of the appeals from them. No other test or means of competition so effectual occurs to me; but of course the first step must be to have well educated men for vakeels.

140. Are the native judges ever now selected from the vakeels?—I believe very few; but I cannot speak with certainty. I never heard of a law officer who had been previously a vakeel; and indeed the situation of pleader has not hitherto been considered a respectable one, except in the highest courts. In the inferior courts, even in that of the district judge, it is not reckoned a desirable profession. In the Sudder Dewanny Adawlut, or chief court at Calcutta, some of the vakeels with whom I was acquainted had large emoluments, and were men of great respectability and talent; and I believe that in the provincial courts the vakeels are frequently very respectable men; but below that they are not generally esteemed at all as they ought to be, considering the importance of a good bar to the administration of justice.

141. Those officers have a per-centage upon the value of the causes, have they not?—Yes.

142. That is settled by the regulation of the office?—Yes.

143. The amount of the fees is paid into court at the institution of the suit?—Yes, before the pleader does any act for his client.

144. You say that all those native judges would act for about the same salary that is given to one European judge; do you conceive that it would be possible, by taking proper means for the purpose, much more extensively to supersede the use of European by Native judges than is the present practice?—I think that several of the present judges might be dispensed with immediately, if, as I conceive to be reasonable, the native judges were vested with the primary jurisdiction of all cases, and if the labours of the European judges were directed to the object of causing

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causing justice to be done, not wasted in the attempt to do it directly. It appears to be necessary that there should be an appeal to the European judge; but the necessity of his investigating such cases might often be obviated by his referring them back for a new trial, either to the judge who originally decided them, or to two or more of the other native judges of the district. And the main business of the European officers being to see that there is not a failure of justice through the neglect or corruption of the natives, their interference in the individual cases should be limited to what is necessary for that purpose. Were this principle followed, I have no doubt there might be a great saving of expense with a more efficient administration of justice; and indeed, even if the present law were enforced to its full extent, and if the zillah judges took cognizance of such causes only as from their amount they must try, the judicial business of the country might, I believe, be done with fewer of them, or at least more business be done with increase of numbers. It is not, indeed, easy to say what would be the effect on litigation of an improved system. It might increase greatly for a time, if the present system operates to quash just claims, but would in all likelihood afterwards subside; and of course if, by any plan, the same number of judges are enabled to render to the public a greater sum of justice, while the demand for justice remains, it is the same thing as if the work now done were accomplished by fewer judges, in so far at least as concerns the relation of the establishment entertained to the duty to be executed.

145. Have you formed any calculation what would be the difference upon the whole in the event of introducing native judges to the extent to which it now appears practicable?—The best judgment I have been able to form is stated in a letter addressed to the Governor-General in Council, by the Finance Committee in Bengal, dated in July 1830, to which a schedule is annexed, showing that a very considerable expense might be saved. The great object, however, really is to prevent an increase of expense, everybody acknowledging that at present in Bengal the administration of civil justice is extremely bad, and quite inadequate to the just expectations of the people. The European courts are overloaded with arrears, the delay in them is excessive; and, to say nothing of other evils, the large arrear of appealed cases holds out a temptation to litigious appellants that seriously clogs the whole course of justice. This is the more felt from the circumstance that the highest interest adjudged, viz. 12 per cent., is much below what needy natives are frequently in the habit of paying; so that a postponement of payment is a great object, even when ultimate resistance is hopeless. And on the whole, it may, I believe, be certainly assumed, in so far as Bengal is concerned, that some change is absolutely necessary in order to get through the existing business without an increase of establishment. It may be proper to mention, that in the plan submitted by the Finance Committee, to which I have referred, the following arrangements also were contemplated: First, The separation of the charge of the police from the duty of trying and deciding criminal as well as civil cases. Secondly, The union of the charge of the police with the management of the land revenue. Thirdly, The abolition of the registrars' courts, and of the provincial courts of appeal, which are intermediate between the zillah judges and the Sudder Dewanny Adawlut. For fuller explanation of the scheme, I would beg leave to refer to the Committee's Report, and the Minutes by its members subsequently submitted.

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For the civil courts, the main principle was to give the primary jurisdiction to natives, to make the zillah and city judges judges of appeal, and to have only one superior court of appellate jurisdiction, for the maintenance of general principles and the trial of special cases.

146. The present court of appeal from the zillah court is the provincial judge?—Yes, and from the provincial court to the Sudder Dewanny Adawlut; the principle being to allow one appeal as of right, and one special appeal, upon due cause being shown, to the superior court.

147. Now, looking at the increased employment of the natives in judicial departments, have you ever considered how far a change would answer gradually in the case of a considerable increase in the number of Europeans settled in the interior?—I do not think that there ought to be any serious difficulty in giving to the natives at the head station the power of deciding causes in which Europeans are concerned, even supposing them to be more numerous than appears probable.

148. The question is, supposing the Europeans are made subject to it?—I mean so; and I conceive that the apprehension of difficulty rests on prejudices that would soon pass away, if the native judges were placed on a proper footing, and the English district judge confined to his proper functions. For a time, probably, it might be necessary for the native judges, in issuing out process, to apply to the English judge to back their warrants, and otherwise to seek his support. But that cannot be deemed a very serious difficulty; and the necessity would, I doubt not, gradually cease, or become of very rare occurrence. Under a properly organized system, European settlers would generally, I conceive, soon become reconciled to being subject to local tribunals; and unless the English judge were inefficient, even those who entertain most strongly the notions that arise out of an exclusive system, would see the necessity of submitting, and would submit, and I believe that respectable and well paid natives would decide fairly.

149. Would it not render a greater number of tribunals necessary?—Only I should think if the Europeans were in such numbers as to change the current of business. If they add much to the commerce of the country, the necessity of such tribunals would probably arise out of their settlement, not otherwise.

150. Did I understand you rightly, that you think the necessity of having provincial courts would be done away with?—Yes, I think they might be done away with altogether. I consider them to be bad courts at present; they are in general filled by men in no respect superior, perhaps inferior, to the district judges over whom they are placed, and their decisions are of no value as guides to those judges.

151. You would then contemplate the existence of an European judge in each district?—Yes, but not precisely the same number as at present. The immediate reduction we contemplated is not however so great as may, I conceive, be ultimately effected; for, in proportion as the natives improve and acquire rank and self-confidence, the number of English judges may be gradually reduced. If I remember rightly, the Committee proposed 41 instead of 52.

152. Are there not European officers assistants or secretaries to the district judges?—A registrar forms part of the establishment of every court. Those officers, who are covenanted civil servants of the Company, were originally ranked among the executive officers of the courts, being also employed to registrar deeds; but practically

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practically their main duty is that of assistant judges, to decide cases referred to them by the judges, either civil suits or complaints of minor criminal offences; and the proposal to abolish the office was founded on the persuasion that the employment of such young men as judges in lieu of the natives, is a bad plan, expensive and inefficient.

153. As to the appointment of the vakeels, they are appointed by government, I believe?—The vakeels of the sudder and provincial courts are appointed by the judges of those courts. Those of the district and subordinate courts used to be appointed on the nomination of the district judges; and though it was prescribed that a preference should be given to persons educated at the government colleges, the selection practically rested on the discretion of the judges. But in 1826 (by Regulation II. of that year), a rule was passed, that native students, in any of the public institutions, who shall receive a certificate of proficiency in the laws and regulations, and of good character, shall, in virtue of it, be admitted to practise in any of the zillah or city courts they may apply to, unless there be special reasons to the contrary, as stated in the regulation I have mentioned. I am not sure, however, how far it has been practically acted upon. I should also state, that among the vakeels there is one called the government pleader, who is employed in all suits in which the government is a party, and whose appointment to that office rests with the government.

154. I would ask whether the moonsiffs are ever appointed from the vakeels?—I believe very seldom.

155. Are the vakeels of a lower class of society than the moonsiffs?—Not generally; but the rank of both is of various degrees.

156. Do the judges of the provincial courts go the circuits for the trial of criminal cases?—Not at present. The circuit duties are now vested in certain officers, called Commissioners of Revenue and Circuit.

157. In the new system, should you propose to continue that, or make the zillah judge go the circuit?—I should make the zillah judge do the duty.

158. And remove altogether that jurisdiction?—Yes, and have a separate superintendence of the revenue.

159. How far does the public voice among the natives appear to call for the increased appointment of natives in official situations?—I believe the public voice is upon the whole favourable to European judges; and that, taking the native community generally throughout the country, they would prefer not increasing the power of the native judges to the exclusion of the European courts. This conclusion I come to, from the distrust with which they generally regard their own countrymen. It must however be acknowledged to be exceedingly difficult to ascertain the native opinion upon any point of that nature. Indeed, upon all points they are too ready, when communicating with those in authority, to say what they think will be received with pleasure. But my impression as to the view they take of the measure of vesting their countrymen with enlarged authority, was confirmed by what I heard after it was known that I was strongly in favour of it. I should observe that I do not think they ever look to the financial part of the question. If they had to decide whether they would directly pay for the one or the other, it would be different; but I do not conceive that even the well-informed regard the financial

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financial arrangements of government as a matter of any interest to themselves, unless when some precise demand comes upon them.. At least, I never knew a native who seemed to regard the expenditure of the public money as an evil, though impatient enough of any demands arising out of such expenditure that disturb their own interests; and therefore I conceive, that in preferring European judges, the consideration of the saving to be effected by the opposite course would never cross their minds; they would think simply having one man they could trust more than another.

160. Do you think they have no feelings of anger, from the exclusion of the natives?—I do not think the general body have, though individuals may entertain the sentiment; and I have no doubt that those who are candidates for office look with very great anxiety to any extension of their means of lucrative employment. Indeed, I know they do, having communicated with many such, who all appeared to be exceedingly anxious for the change; and of course those in new countries, who or whose families have actually lost power, and who retain the recollection of the loss, must be discontented in consequence. But it is to the great body of the people I refer, when speaking of the public voice; and I think that, as far as the Bengal Presidency is in question, the public voice is in favour of employing Europeans, and condemns them when they rely much upon natives.

161. Can you suppose an altered system would secure a better adjudication; is there any reason why a favourable effect should not be produced upon the native opinion by that?—I have no doubt the native opinion would change, when they saw their countrymen, with rank and emolument, administering justice well; they would certainly recognise the advantage of it; but at present they consider them as what they have been under different circumstances; and, generally speaking, the feeling of patriotism is almost unknown to a native, he seldom looks beyond his own village.

162. Is there no national feeling?—I believe there is in some cases. Where particular tribes prevail, they have a feeling for their tribe that may be called national. Thus, for instance, I have no doubt that among the Rohillas there exists a strong national feeling. Probably, too, a national feeling more or less strong pervades the Mahrattas; but I am not at all acquainted with them. I do not think the people of Bengal Proper have any national feeling. The Moslems, indeed, generally have a religious feeling that must operate against our rule more or less strongly; but this, which is not I think very strong among the Bengalese, cannot properly be called national; and the religious feelings of the Hindoos do not seem to me much to affect the question, where caste has not given power or wealth. With respect to the feelings of natives on the subject of public employment, I should add perhaps, that I believe many of the higher natives of Calcutta do complain of the exclusion of their countrymen from lucrative situations, and would be gratified by their admission; but they seem to speak rather from the feelings that have been instilled into them by communication with us, than from those which belong to the great body of their countrymen; at the same time, it appears to be impossible to doubt that such feelings must gain currency and strength with the progress of education, and with the consciousness of rights, which the possession of a good government will give.

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163. There has been a vast change?—Certainly; the change that has occurred in Calcutta is very great, and although doubtful whether substitution of natives for Europeans would be popular at the present moment, I have no doubt that to a great extent it is right.

164. How far is the principle of promotion according to merit among the native judges now acted upon?—I believe little, if at all; at least I am not aware of any native judge being promoted, excepting a few instances, in which the law officers of the Sudder Dewanny Adawlut may have been selected from those of the inferior courts.

165. Is there any reason for excluding from judicial offices of any eminence the mixed race between the Europeans and the natives?—I think they ought to be considered as natives of the country.

166. They are now excluded from all these situations?—They may be sudder aumeens, and I think they ought not to be excluded from any situation to which natives may be admitted; but I do not think they should be treated as Europeans, or rather I should say, the principle ought to be, to have no more English gentlemen deputed from England than are absolutely necessary to maintain the dominion of England, and that all situations not reserved upon that principle should be open to all classes equally. I think that, for the present at least, the English judges must be men deputed from this country.

167. Both in the lower and in the higher courts?—In the zillah and city courts, and in the sudder courts; and all other courts should be equally open to all classes, whether Europeans or Natives, Christians, Hindoos or Moslems.

168. Do you mean to say by your former answer, that the reputation of the European judge is very considerable among the natives?—In point of honesty it is, I believe, exceedingly good.

169. Is not their confidence in the court greatly shaken in consequence of the junction of the police?—I think that operates only in so far as it occasions delay; it does not seem to be regarded as a cause of bad judgment; it sometimes occasions hasty decisions; and thus aggravates the inequality of judges; and of course the judges are very unequal; and among so many there are some with qualifications quite below what ought to be required for the office. Their decisions are, many of them, exceedingly bad; but there is hardly any instance in which personal corruption in the judge is suspected as the cause of misdecision.

170. Have you ever framed any plan for a general judicial system over India, in which the functions now exercised by the supreme courts should be blended with those exercised by the country courts?—No, I have never formed any plan of that kind.

171. What is your idea of it?—I do not imagine that I could add anything to what is stated in the discussion between the Bengal government and the Supreme Court of Calcutta, of which the papers have been printed.

172. In what Appendix?—In the Appendix, No. V. dated 11th Oct. 1831; and I can only add, that there do not occur to me any serious obstacles in the way of having one Supreme Court, consisting partly of gentlemen who may have practised in courts at home, and partly of those who have risen in the judicial service of the country, to take the place of the present King's Court, and of the Sudder Dewanny and Nizamut Adawlut.

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173. How far would it be possible to have an English bar in India from which you could select judges for the country courts?—I do not immediately see how it could be arranged; for the question involves a great variety of considerations. But it would, I think, be very advantageous if it could be so managed (and with one Supreme Court constituted as suggested, with a careful adaptation to local circumstances, it might probably be found practicable), that a portion at least of those who are destined to be judges should practise as barristers.

174. Do you conceive it to be necessary that more care should be taken than is taken under the present system, for qualifying the Europeans who are employed in the country courts as judges?—I think certainly it should be so; it is quite monstrous that the appointments should be made with no better securities for due qualification; it is wonderful that they have done so well as they have.

175. Would you have any system of education or examination for them?—I think that no man appointed to be employed in the civil administration of India should leave this country until he is about two-and-twenty years of age; that all should be required to have an education suited to the high functions for which alone it seems reasonable to depute officers from this country; that consequently, among other things, they should have a liberal law education, by which I mean, that they should be acquainted with the general principles of law and the systems that have prevailed in different countries, in such a manner as a well-educated English gentleman destined for public life would, I presume, be. Their possession of the required qualifications would of course be ascertained by an examination. To this, I would add the making of the appointment, if possible, by some system of competition, so as to be sure of the selection of the best out of many good men. Whether such a plan could be practically brought to bear, I cannot venture positively to say. It was, I believe, partially followed by Mr. Wynn; and if his plan had been carried further, I see no reason to doubt its success. England appears to be full of talent highly cultivated, and struggling with the difficulty of getting employment. I should think, therefore, that for high office in India, you might require, and could easily obtain, almost any amount of qualification.

176. What was Mr. Wynn's plan?—It was, I believe, merely giving a certain number of appointments to the public schools and universities, in order that they might appoint those who were most eminent.

177. Would you apply that principle to exacting legal qualification, or do you speak merely of general education?—Among other qualifications, I should require legal knowledge, not technical skill, but a liberal acquaintance with law.

178. Have you known that the degree of elementary instruction that is acquired at Haileybury in the principles of the law has been of any use or otherwise in India?—As far as I have seen, no perceptible result has followed from the legal instruction there given; and though I dare say it has been of use, it must, I imagine, have been very slight.

179. Do you conceive, that if you had an unlimited number of candidates in this country out of which the requisite number of appointments should be made, or do you mean, having a good number of appointments, means should be taken to qualify or to have persons appointed as well qualified as possible?—I think the more you have to select out of the better. The best of all would be a general competition.

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competition of the whole body of educated Englishmen who might desire the appointment. Next to that is a selection out of a body which, though limited, considerably exceeds the number to be selected. It was, I believe, proposed by the professors at Haileybury, that the Court of Directors should send to that institution twice as many as were to be appointed as civil servants to India, and that the best half should be selected for the appointments. That would have been a great improvement; but I think it would be better to follow Mr. Wynn's plan, and select from among the competitors of a still larger body.

180. By Mr. Wynn's plan, do you mean the plan proposed by Lord Grenville, of selecting the writers from the public schools and universities?—Yes. I have called it Mr. Wynn's, because he acted upon it in regard to some of the appointments that were at his disposal when he was President of the Board of Control.

181. In so far as the judicial appointments go, do you not conceive that more practical knowledge would be required than is to be obtained by individuals appointed from the University; there it would be theory, the other would be practice?—You must, I think, be content with giving theoretical knowledge in this country. And it is not merely judges that are to be provided; nor can Indian judges be generally fit for their business without local experience, and that an experience in affairs not strictly judicial. My notion is, that the civil servants should still, in the first instance, be employed as assistants to the magistrates and collectors or political agents; that in that capacity they might acquire a familiar command of the language, and a knowledge of the notions, habits and institutions of the natives, and become practically acquainted with the system and principles on which the business of the country is conducted. Those who were not disposed to pursue the judicial line might be otherwise employed. But it is chiefly for judicial duties, or administrative functions partaking largely of the judicial character, that provision must be made; and if, without sacrificing the more important objects of general experience and knowledge of the people, it were practicable to establish the plan of a local bar, at which persons destined to be judges should practise during a part at least of their preparatory course, it would, I think, be a great improvement. I am not sure whether any such thing could be managed, but it is very desirable that it should be kept in view.

182. In contemplating the new arrangement of the courts in Asia, did you contemplate the junction of the Sudder Courts with the Supreme Courts?—That was one of the measures contemplated by the Bengal government; but it does not seem to be a necessary part of the proposed arrangement of courts for the provinces. The constitution of the inferior courts might be changed as suggested, without any change of that kind in the Sudder. But the junction of the Sudder and Supreme Court would, I conceive, be an improvement.

183. Supposing the junction were to take place, and that was made the agreement merely in appealing, do you not conceive that there would be so much business attracted to that court that you might select a great number of inferior judges from the bar of that court?—I think it might probably be done; but I should observe, that the plan appears to imply that all the courts shall have a code for themselves, that they shall not be bound by English law further than may be distinctly provided on a full view of local circumstances, and that its mere technicalities, especially

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especially those which attach to landed property, shall be got rid of. It seems unreasonable to extend the law of real property to that country; and although I cannot of course pretend to give an opinion of any value on such a subject, I must acknowledge that I cannot see why there should be any serious difficulty in giving to India a code of laws to be administered equally by Native and English judges.

184. In such a case, would you allow a free resort of Englishmen and Natives to practise in such a court; at present they are appointed by government?—I should be for permitting perfect freedom in the access to the bar.

185. With respect to the plan of selecting writers from the public schools and universities, who should afterwards fill judicial situations in India, do you not conceive it to form some objection, that in no public school are the principles of law taught, and at neither of the universities does the law form any part of the ordinary academical system of instruction?—I do not think that a serious objection; I have no doubt that knowledge of law would be had, if a prize were held out for it.

186. Do you mean to say, that if a certain legal qualification were required, and the candidate were to be left to find that qualification where he could, so that he answered the test, that every purpose would be fulfilled?—Yes, I have no doubt that candidates would be found with the required qualification. The knowledge of law, not the result of practice, is, I imagine, chiefly acquired by the means of private study.

187. Do you know whether the profits that an English barrister could make in the courts would be sufficient to create a bar there; how would that be?—The profits to a certain number of the barristers of the Supreme Court are very large; and those also of some of the native pleaders in the Sudder Courts are liberal; but I cannot answer the question with precision, and the circumstances would be different.

188. How would a mixed bar practically unite?—The two bars, as now constituted, could not at all amalgamate, and I conceive it would be absolutely necessary, if the courts were united, that all their proceedings should be in English; for I do not see how you could have a united court so long as any of the proceedings, any part at least of the oral pleadings, were in Persian. And for a long time natives could probably be virtually excluded from the bar of the united court. Ultimately, however, I do not doubt that they would, if allowed, take their part, and the plan, if at all adopted, should be extended gradually.

189. Are the civil suits in the native courts expensive to the suitors?—I believe generally so.

190. From what cause?—The fees are heavy in proportion to the amount, as appears from a statement which was furnished to me from the Sudder when I had occasion to inquire into the point in Calcutta; and there are, besides, expenses of which we have no record. The statement is in Persian; but if the Committee wish it, I shall hereafter have the honour of giving in a translation of it. In the meantime, I may mention the first case. It is a suit for 155 begahs of land valued at 930 rupees. It passed through three courts, and the stated costs were about 670 rupees.

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191. Will you state what the courts are?—The first is the Zillah Court, in which the costs of the plaintiff are stated at rupees 194 $\frac{5}{18}$, and those of the defendant at rupees 90 $\frac{4}{18}$. The second is the Provincial Court of Appeal, in which the costs of the appellant and respondent are respectively rupees 102 $\frac{2}{18}$ and 52 $\frac{2}{18}$. The last is the Sudder Dewanny Adawlut, in which the costs are stated at rupees 128 $\frac{6}{18}$ for the appellant, and rupees 102 $\frac{6}{18}$ for the respondent.

192. In the paper alluded to, is there any cause in which there is more than two appeals?—No, there are only two appeals.

193. As the courts are now constituted in Asia, could there be in any one case more than two appeals?—I apprehend not, at least in Bengal, where only suits exceeding 5,000 *l.* are appealable to the King in Council.

194. What is the ultimate course of the appeal in those causes which are instituted in the courts below the zillah courts?—The provincial courts, if the first appeal has been decided by the zillah judge.

195. Supposing a cause to be instituted in the moonsiff's court, is the appeal from that court immediately to the zillah court?—The appeal is to the zillah judge; but he has the power of referring it to the Sudder Aumeen, and then from the decision of that officer there will be only a special appeal to him. If he tries it himself in the first instance, then there will be a special appeal to the court above him.

196. Are there appeals frequently in causes that are instituted in the lower courts?—As far as I remember the result of inquiries regarding some of the districts in the vicinity of Calcutta, the appeals from the Moonsiffs were about one in twenty, and those from the Sudder Aumeens about one in seven.

197. Can you state what proportion to the zillah courts?—I do not immediately remember.

198. Have you any documents which would give you that with regard to the zillah or provincial courts?—No; but I think the information will be found in the records of the judicial department.

199. Is there not a good deal of corruption practised by the natives in the courts, the native officers, by whom the summonses, for instance, are issued, and by whom the causes are appointed to come on in rotation?—It is supposed generally that there is considerable corruption; but I should think it must chiefly prevail in regard to the execution of decrees and other process. Many decrees are passed which are never executed, either from the party disappearing or making away with their property; and in the executive part of the court's business a considerable opening is given for corruption.

200. Do you not conceive the native officers of the courts are very accessible to bribery?—I believe so, unless they are well controlled by their superiors.

201. Are not these native officers appointed by the individual judge?—Yes, vacancies are filled up by or on the nomination of the judges.

202. Is it customary for him to take persons from a distance and place them in those situations?—I do not think that such is the general custom; though much depends on the will of the individual. Many judges are averse to strangers, and I believe, make it a point as far as possible to select for vacancies men of the province

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vince in which they are. Others pursue an opposite course, and I am afraid, sometimes unduly favour men that follow them.

203. Should you recommend the use of juries in the country courts?—I think it very desirable, if possible, to get the natives to assist in the administration of justice on the principle of jurors; but in the first instance, at least, it should be done in the way which is prescribed by the Bombay Regulation IV. of 1827, which leaves it optional with the judge to employ the natives as jurors, assessors or referees, without at once going the length of giving them a definitive voice.

204. Have you witnessed the experiment of the punchayet?—No, I have never witnessed it.

205. What is your opinion as to the success of the experiments that have been tried?—I believe it has very much failed, when it has been adopted as a substitute for regular courts of justice.

206. From what cause has it failed?—Chiefly, I think, from this, that the members have been neither supported nor directed nor controlled, but have been left to all their native irregularity, and not properly made a part of our judicial system; still, however, I believe that it has been very extensively used to settle matters that have never come within the cognizance of any of our courts.

207. How far is the punchayet analogous to the English jury?—It can scarcely in its native shape be said to bear any distinct analogy to a jury, being, in fact, merely a body of men to whom a cause is generally referred. They are not bound to decide; there is no issue given to them to try; they are under no direction, and are left to scramble out of their case as they best can.

208. They perform the functions both of judge and jury?—They are rather arbitrators, being, in cases of dispute between individuals, usually, I believe, nominated by the parties; and they very often, I have understood, act quite as partisans of the party that has selected them.

209. Are they sworn in any way?—No.

210. What is the general number?—I believe it varies, although the name indicates five as the general number. In cases relating to questions of caste, with which the European officers have comparatively little to do, they are frequently very numerous.

211. The decision of the punchayet of the village has not the validity of a judicial decision?—If the parties in a suit consent to a reference to a punchayet or arbitrators, their decision has the validity of a decree of court, and will be executed accordingly, unless there be corruption or gross partiality, on proof of which the award may be set aside.

212. Have the revenue officers ever used the punchayet?—Yes; I believe the native collectors use it extensively to adjust various disputes between the village communities and the different members of such communities. The collectors, too, frequently have recourse to it in the determination of questions of private right when making settlements. And one officer in particular, with whom I have had much communication, and who is singularly well acquainted with the natives of the country where he has been (Mr. W. Fraser), systematically employed it to a great extent in settling the boundary disputes between villages, preparatory to the survey of the Delhi territory and the districts immediately adjoining; and he stated that

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he had found the plan very successful; having, if I recollect rightly, obtained the decision of about 300 cases in that way, a little while before I was with him. His scheme was partly on the principle of a jury, and partly on that of the punchayet; that is to say, the members were generally chosen on the nomination of the parties; but they were required to decide without delay; the matter in dispute was brought to a distinct issue, and the whole proceedings were regularly recorded by a government clerk who was deputed for the purpose, with instructions to follow a prescribed course. The disputes were generally between (what I may call republican) communities of yeomen cultivating their own fields, for the possession of land generally of little value, but very eagerly contested by the people. The head men of the contending villages, acting for and in presence of the whole body, were required to nominate six on each side, making in the whole twelve. The right of challenge was freely allowed; and the jury (so to term it) was required to be unanimous. Mr. Fraser's reason for having so many as twelve was, as he said, chiefly that they might, by their number and weight, be placed above the reach of intimidation or danger from the vengeance of those against whom they might decide; and it was with the same view, also, with that of putting down party spirit, that he required unanimity.

213. They did not consist of the immediate parties?—No, they generally consisted of the more respectable people of the villages in the same pergunnah or local subdivision.

214. Were they boundaries between the properties of individuals or boundaries between the communities?—Boundaries between the communities, and generally of little comparative value, though very eagerly fought for.

215. Did they generally give satisfaction?—So he stated.

216. Do the natives now sit upon juries in the presidencies?—At Calcutta they occasionally sit as jurymen in the Supreme Court.

217. In civil cases or others?—Juries are only used in criminal cases, including, by a late decision, informations for the recovery of penalties.

218. They sit upon the grand jury?—No, they have not yet been admitted to the grand jury, which is, I think, a great mistake.

219. What has been the result of that experiment?—I should think it has hardly been tried upon a sufficient scale to enable one to pronounce any conclusive opinion; at least I have none.

220. Now with respect to the distance that the suitors often have to travel, is not that distance so great sometimes as almost to amount to a denial of justice in cases of small amount?—I do not think that would operate severely if there was no delay; although for the smaller cases you must continue to have a certain number of courts in the interior of the districts. Were it not for the delay, which is great and uncertain, I do not think that suitors in the cases tried at the head station would be much inconvenienced by the distance.

221. It is not the suitor alone, but his witnesses also?—Certainly; they must also and chiefly be considered.

222. To what cause is this delay chiefly to be attributed?—Chiefly to the arrear of cases in the courts.

223. Have not parties often been kept waiting for days together before their cause has been called on?—I should imagine it has frequently happened.

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224. Would not the freer admission of the natives to public situations of trust and importance be likely to produce a favourable effect on the native character?—I think essentially so. I have no conception but that it depends mainly upon the government whether the natives of India shall be quite as good as those of any other country, though one cannot entirely exclude the effects of religion. For honesty in public trusts, you must rely chiefly upon those who are trusted liberally and well treated. I am not aware that the experiment has, in India, ever failed when it has been fairly tried; and I should assuredly expect that the public confidence and satisfaction in the native judges will depend upon their having proper rank and emolument and consideration from the government.

225. The utmost amount of the salary of the judge of an inferior court is 140 rupees a month, you say?—No; some get 240 rupees a month, the 40 rupees being for establishment and miscellaneous expenses which the native judge is left to bear; the 200 are to be considered clear salary.

226. Is he not obliged to keep a palanquin?—He generally does so, I imagine; but it is not absolutely necessary.

227. The expense of that is stated at 30 rupees a month, as one of the deductions?—A native would probably keep a palanquin for much less; they generally pay their servants less than we do.

228. Two hundred rupees a month would be 10 l.?—No, about 20 l.; and I think an average of 300 l. a year would be sufficient.

229. The forms of these courts are exceedingly simple, are they not?—Yes; the forms, indeed, of the country courts generally are as simple as they can well be. I am not aware of any form that could be advantageously dispensed with; and in the pleadings of the parties no particular technicality is required.

230. Supposing the question to lie between a Hindoo and a Mahomedan, in that case what law is followed?—The general rule is, that the law of the defendant is to be followed; but that provision I apprehend will seldom apply, because in cases of contract the judges are not bound either by the Hindoo or the Mahomedan law, and of course persons of different faiths will seldom be parties in cases of inheritance or other questions requiring a reference to those codes; indeed, a Hindoo becoming a Moslem or Christian, there arises a nice question which I am not able satisfactorily to answer; viz. how far the forfeiture prescribed by the Hindoo law would be enforced against the convert; I should think it would not be enforced against him if defendant. On the other hand, if he were plaintiff suing against Hindoos for his inheritance, I am afraid the Hindoo law must be enforced against him; and so with Moslems embracing Christianity.

231. Europeans residing in the interior are subject to the Company's courts to a certain extent, are they not?—In the civil department, I am not aware of any limit as to the amount, excepting that if the cause be such as would, in the case of a native, be appealable to the Sudder Court, it may be carried by appeal to the King's Supreme Court. In other respects, British subjects are subject to the country courts to any extent, provided they fall within the Act of Parliament that makes them so.

232. In criminal cases how is it?—In criminal cases they are only subject to the extent of a fine of 50 l., in cases of assault or force, not being felony. In all cases of felony, they must be brought to the Supreme Court.

Lunæ, 26^o die Martii, 1832.

The Right Hon. ROBERT GRANT in the Chair.

DAVID HILL, Esq. called in and examined.

IV.
JUDICIAL.

26 March 1832.

David Hill, Esq.

233. WHAT is your acquaintance with India?—I went to India in the year 1806; I was employed there more than two years as an assistant collector; I was then in the secretary's office at Madras for 19 years.

234. Was that assistant collectorship in the country?—In the districts. For the last 16 months I was employed at Calcutta, as a member of the finance committee.

235. Your attention is requested to the following passage in your letter of the 30th of last January, which has been laid before this Committee, where, speaking of the want of any species of entail, under our regulations in India, for maintaining the ancient usage of the country, under which its old hereditary estates descended in the line of primogeniture, and were preserved in their entirety, you state that Sir Thomas Munro emphatically recorded his conviction that the evil just noticed was bringing the country to ruin; in what documents are the opinions of Sir Thomas Munro on that subject to be found?—In a minute recorded soon after he assumed the charge of the Madras government; I think in the year 1820.

236. Can you state more particularly what is that ancient usage of the country to which you have alluded in your letter?—Under the usage of the country the ancient zemindaries descended entire to the eldest son of the last zemindar, unless he was incapacitated on any ground, in which case a different member of the family was selected; but the zemindary was not liable to be divided nor to be alienated.

237. Not for his debts?—Not for his debts.

238. What is there in the present practice that has so ruinous a tendency as Sir Thomas Munro supposes?—Under the regulations the zemindaries are now answerable for debts, and are at the disposal of the present holder.

239. By the former usage the zemindar could not dispose of it by will from his eldest son, could he?—He selected a member of his family, and sometimes passed over his eldest son.

240. Without incapacity?—He was the judge, by the ancient usage.

241. By the ancient usage he could select?—He did select.

242. The person whom he thought the fittest?—Yes, the person whom he thought the fittest out of his own family.

243. Among his sons or his relations?—He did not select past his own sons; he would adopt a son if he had none.

244. Do you conceive that the provision which makes these lands saleable for debts could be rescinded or modified?—I have no doubt that it would be very advisable it should, provision being made for the payment of the existing debts; in fact, I framed a regulation for the purpose, under Sir Thomas Munro's direction.

245. Does that regulation exist anywhere now?—No, it was not adopted.

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246. What

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246. What measure would you recommend, by way of preventing the evils of the partition of property among the Hindoos?—I am not prepared to suggest any definite measure; but I entertain no sort of doubt that it would be easy to frame legislative measures that would correct the effect of this continual subdivision of property. Various measures will suggest themselves; the rule of primogeniture in this country, or the French rule of succession.

247. How far could any such change be introduced, without giving an inexpedient shock to the feelings and prejudices of the natives?—I am not aware that it would shock the feelings of the natives; I think it might be framed so as to be made extremely agreeable to them.

248. The principle of the Hindoo law is, that the property shall descend equally among the children, but an exception obtained by usage in the large possessions of the zemindars?—The ancient possessions of the zemindars who existed before we took possession of the country.

249. Was that confined to the large possessions, or did it descend to small properties?—I believe it was entirely confined to the ancient zemindaries, where the chiefship passed by the name of Samistanum.

250. Was it a species of dominion?—In many instances it was, depending on the extent of that possession.

251. And in many cases they had the power of government, had they not?—They had the power of government, and of capital punishment.

252. Those are the possessions you are particularly referring to, as being at the disposal of the proprietor by the selection of one of his sons, but not divisible among his sons?—Those are the possessions; not exclusively large dominions, but possessions held in that way, are what I allude to.

253. Then this usage of the succession going to one of the family, and not being divided, was not confined to these large territories and dominions of the zemindars you have mentioned?—It was confined to the ancient estates which we found subsisting when we took possession of the country.

254. Is that rule of descent that you have mentioned of the ancient zemindaries continued, or has it been changed?—Under the operation of the regulations, the estates are liable for all the debts of the holder, and are at his free disposal.

255. Liable to be sold for the government revenue?—Yes; but the government are extremely reluctant to put that power in force with respect to the ancient zemindaries.

256. Were the ancient zemindaries, before we had power of that country, liable to sale for government revenue?—I imagine that the lord paramount of the land exercised whatever authority he saw fit; he certainly did not expose the zemindaries to sale in the method we should pursue, but he realized the tribute he considered due.

257. These observations you have mentioned have been confined to the presidency of Madras?—Entirely.

258. Is there now any exception from the Hindoo rule of descent, among all the sons, within the territories of Madras among Hindoos, that you are aware of?—None, with such exceptions as the Rajah of Tanjore; but they are sovereign princes in some point of view.

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259. Within those possessions that are directly subject to the government of the East India Company in the Madras presidency, is there any landed property which is not subject to division among all the children, according to the Hindoo law?—None, as far as I know.

260. In the case of the possessions of the Mahomedans, does the Mahomedan law obtain also in respect of estates in all cases among the children?—The Mahomedan or Hindoo law prevails, according to the religion of the party.

261. There is no exception of the estates of the Hindoos from the ordinary rule of descent, either among Hindoos or Mahomedans?—I wish to explain that, although under the regulations there is no exception, yet I am not disposed to believe that in practice the succession is generally varied.

262. You do not think that in practice it has been uniform?—I do not think effect has been given to the levelling operation of our regulations by the zemindars; our regulations make no distinction between the raj and the private estate.

263. The regulations do not make a distinction between the ancient zemindaries and modern possessions?—No.

264. What do you conceive to be the evil of that subdivision of property?—I should answer, in one word, its levelling operation.

265. Do you think that the land is worse cultivated in consequence of that subdivision of property?—I do not believe it is.

266. Do you not think that it may be better cultivated by reason of that minute subdivision?—I think it likely that it is.

267. Then your objection is, that it goes to the destruction of the aristocracy of the country?—The destruction of the aristocracy, and of the unequal distribution of wealth throughout the community; there can be no such thing as private wealth.

268. Then do you consider that great advantages would be derived in that country from the unequal distribution of wealth?—Certainly, from the existence of different ranks in society.

269. A great many of the ancient zemindaries have been sold, have they not, for government revenue?—Some of them have been sold; but government have been extremely reluctant to resort to that measure, and of late years have not done so in any instance whatever.

270. Then what was the course, if the government revenue was in arrear from the zemindaries, when they have not proceeded to a sale?—The collector undertook the administration of the affairs of the zemindary, and put the zemindar on an allowance, and the surplus was carried to the credit of government.

271. Has that mode succeeded?—It has been attended with a certain degree of success, in some cases with complete success.

272. Do you consider that that mode of administering the estates by a collector was preferable for the interest of government to that of seizing the zemindary, and bringing it to sale?—As far as the recovery of the arrears of revenue is concerned, the effect is the same if the process prove successful: as far as the ancient families are concerned, and also the preservation of the peace of the country, the government felt a very strong interest in saving the estates from sale.

273. Do

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273. Do you consider it to be for the interest of the government in India that the large proprietors should not be destroyed?—I think it is for their interest, and much for their credit too.

274. Within the presidency of Madras, that rank of the proprietors has been carefully preserved as much as the government could preserve it, has it?—Of late years certainly so; I do not recollect any instance in which of late years the government have sold an old zemindary, but there have been such instances formerly, I believe.

275. You are speaking of the Madras government?—Only of that.

276. If there is this abstinence on the part of government to sell these ancient estates for their own demands, what has led to the partition of those estates?—The private debts contracted through the prodigality of the zemindar.

277. Would you then think it right that there should be any law which should prevent the sale of the landed property of any person, to meet the just demands of his creditors?—If it would prevent their prodigality, it would be a great benefit; and it would have that effect, if the creditors could not obtain payment of their debt out of the land. It was intended, in the proposed regulation, that respect should be had to all existing debts on the estates of the zemindars; provision was to be made for liquidating the debts, not by the sale of the zemindary, but by appropriating the revenues.

278. Do you mean that in your opinion there ought to be a regulation generally preventing the sale of lands for debt, or that it should be confined to the large zemindaries?—It was intended all the large zemindaries should be embraced, and provision should be made by which the government should be able to admit other properties to the benefit of the same regulation.

279. Was it to be property generally, or of a considerable amount?—Only landed property of considerable amount.

280. What you would call the landed aristocracy of the country?—Yes.

281. Has it been found that the system of sequestrating the estates under the collector has answered as well for the interests of the public revenue as the system of putting to sale lands of the deficient zemindary?—A former answer I think meets that question. I stated, as far as the revenue was concerned, the system answered equally well; and a great deal better, as far as the interest of the country is concerned. In point of fact, it has answered better: the estates in various instances have been restored to the zemindar after recovering all arrears of revenue.

282. Is it not sufficient that, without taking the power of sale from government, there should be a practice by government to sequester as far as possible, but with a power of sale, supposing the exigency to be such as to require that extreme measure?—The revenue can never be much in arrear; it is not like private debts; it is only one year's collection, for the collector can immediately take possession.

283. Can he always realize the amount from the produce of the year?—He retains possession: the arrears of one year's revenue could always be realized in the two following years; there never would be a hazard of incurring loss.

284. Would there be harm in holding over the zemindar the possibility of ultimate loss of his land?—The proposed regulation was, to make a provision that the

estate

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estate was to be liable to be sequestered for a time, until the revenue was recovered ; and the estate was liable to be forfeited for failure in allegiance, but not for arrears of revenue.

285. Would there be no danger lest the knowledge, on the part of the zemindar, that he could in no case of mere deficiency forfeit his land, should render him less careful to satisfy the demand of the government ?—I do not apprehend that any hazard would be incurred on the part of the government as to realizing its revenue. These zemindariæ are not heavily assessed to government, and the remedy would always be at hand as soon as the arrears took place.

286. Have you ever considered how far it would be practicable, in the place of the two judicial systems which subsist in India, one that of the Supreme Court, the other that of the Company's courts, to establish one system sufficiently comprehensive to include both the administration of justice in the presidencies and that throughout the provinces ?—I have had some occasion to consider the question, by having perused papers that were written on it by the members of government and Judges of the Supreme Court at Calcutta, at the period when the question was under their consideration.

287. What is your opinion as to the practicability or expediency of such a change of system ?—I can hardly say that I am entitled to entertain any opinion upon the subject ; I consider the object to be extremely desirable, but it was evidently encompassed with a great deal of difficulty.

288. Is not a good deal of difficulty produced by the present system ?—A great deal of difficulty ; which was shown by the papers written on the subject, and which in fact led to the consideration of it.

289. Have you known instances of something like a conflict of jurisdictions ?—Much less of that than might have been anticipated from a consideration of the real anomalies and embarrassments of the present system.

290. Would further consideration enable you to give any ideas to the Committee on this subject ?—I am not aware that I should be able to throw any new light on it : my general impression was, that the object was not impracticable, and that vast benefit would ensue from its accomplishment.

291. What is the species of difficulty you would apprehend from having such a change of system ?—The main difficulty in civil matters regards the introduction of a new class of proprietors ; Englishmen, Europeans, whose rights are to be mixed up with and fastened on to those of the natives. With respect to the criminal jurisdiction, and in some measure the civil also, the difficulty consists more in the establishment of judicatories capable of administering the law.

292. You conceive the greater part of the difficulties which must be apprehended, arise from the circumstance, that in point of fact two systems have subsisted up to the present time ?—I am not aware that much difficulty would arise from that circumstance.

293. By going from one system to another, you have introduced the English law into the presidencies ; and to have one uniform system you must substitute more of the native, must you not ?—There would be some difficulty from the change, but I do not apprehend that serious difficulty would arise from that circumstance. I think the difficulty is inherent. The difficulty, I conceive, is to form a system of law

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law that will suit the rights of Englishmen, Hindoos, Mahomedans, and all other classes of people, so as to be at all reconcileable to those existing rights which they now enjoy. If any respect is to be had for their existing rights, I imagine immense difficulty will be found in framing a system of law on which property, held according to those rights, may be transferable from one class of the community to another.

294. Would not the same difficulty exist in framing a system of law for the country at large, supposing there were a great increased number of European settlers?—I apprehend that would be a serious objection to the admission of European settlers into the country.

295. In what way does it constitute an objection?—It constitutes an objection, in the first place, on the ground that has been now adverted to, the difficulty of framing a law applicable to this new class of inhabitants; secondly, because the new class of inhabitants will belong to the dominant party in the state, and form a class which never can coalesce with the indigenous inhabitants, the present natives of the country: they will be favoured by the Legislature, as they have been since the operation of the opening of the trade has led to the introduction of a greater number of settlers than formerly; they will be favoured by the Government of the mother country; and lastly, I think it would be impossible to establish tribunals throughout the districts which might be occupied by English settlers, competent to administer criminal and (in large and difficult cases) civil law over Englishmen. I cannot conceive that the British Legislature would give the power to a young English gentleman, in one of the Indian courts, to try his countryman for his life, or still more, that that power would be delegated to native tribunals, if they were invested with such a jurisdiction over the natives. I think, even if the local magistrates had the power given to them, they could not exercise it; there would be so much obloquy annexed to it, so much scrutiny of their proceedings, so much jealousy entertained against them, they could not venture to exercise such an authority.

296. Are the difficulties to which you allude in any degree felt with regard to Europeans now settled in the interior; and if not, why not?—They are felt at present, but not in the same degree, inasmuch as there are not the same number of settlers, and as the local tribunals exercise a very limited jurisdiction over Englishmen; higher cases are required to be submitted to the Supreme Court at the presidency, which in many instances amounts to an absolute denial of justice.

297. If the administration of justice, in the case supposed, would be objected to on the part of the European settlers, do you conceive that it would not now be reasonably objected to on the part of the natives who are actually subject to the jurisdiction of the country courts?—Not, I think, in the same degree; but to a very great degree I consider that jurisdiction defective.

298. Then you do not conceive, that for the interests of the natives, and without any reference to the increased introduction of European settlers, the system of these country courts ought to be improved?—Certainly; but the improvements, according to my notions, would render the tribunals still less adapted to the trial of English settlers, for the improvement ought to consist mainly of the transfer of the existing judicial duties to natives.

299. Could

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299. Could it not be provided that the permission to Europeans to settle in the country should be restricted by the condition, that they should submit to the jurisdiction of the country courts, or submit to their jurisdiction in all but a few special cases, of a very serious nature?—If all cases of a serious nature were excluded from the jurisdiction, the provision, I think, would be extremely incomplete; but I apprehend the consent of the parties would not have the effect of obviating the objections. I think the public feeling would be outraged by the idea of an English settler being liable to be tried for his life by a native of India; and I think gentlemen from this country, such as compose the civil service, if the Legislature gave them the power, could not venture to exercise it; they would shrink from their duty.

300. Would it be possible, that in the case of Europeans, or even in case of natives, juries might to any extent be employed in these country courts?—If a good system of jury trial could be introduced, that would obviate the evil; but I apprehend there would be as great difficulty in establishing a system of jury trial as in improving the present system, for the purpose of rendering it applicable to the trial of English settlers.

301. Do you think, that if native juries were established in India, that they would be apt or otherwise to decide exactly as directed by the judge; do you think that the judge would have more than a proper influence over the jury in respect of their decisions?—In some cases I dare say he would have too much, and in others too little. On the subject of native juries, I beg to refer to my letter before the Committee, of the 30th of January.

302. Do you think that the natives of India could safely and beneficially be entrusted with the exercise of the duties of justices of the peace?—Over the natives; I have not the least doubt, on the Madras establishment, there is a supply of competent natives for the exercise of those duties over the natives.

303. Do you think that they could be entrusted with the exercise of those duties over Europeans?—I think it is very desirable, if Europeans settled in India, that natives should possess that power; I think it would be liable to be abused, but such instances might be corrected.

304. Do you think that the natives could have or acquire a sufficient knowledge of English law to administer that which a justice of the peace does administer to Europeans as well as natives?—I have not the least doubt that they could.

305. Do you think the natives would be gratified by having one of their own countrymen exercising the duties of a justice of the peace?—Throughout the provinces there is little scope at present for such authority; there are very few Europeans; I do not think it would be satisfactory that they should exercise it over their masters.

306. But in criminal jurisdiction, similar to that of a justice of peace, do you think it would be satisfactory to them to have that justice administered to them by a native?—I doubt whether it would at present; I rather think they would prefer the power being in the hands of the European officers of government.

307. You think they would have more confidence in having criminal justice administered to them by Europeans than by natives?—My impression is, that the natives would have much more satisfaction, and that justice would be much better administered, if the European judge had the aid of native assessors. My opinion

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is, that the European judge is not competent, without the assistance of natives to, ascertain the facts of any intricate, complicated case.

308. You are aware the system of criminal law in India is chiefly Mahomedan?—The Mahomedan law has been so much modified by our Regulations as to exist more in form than in reality. It is now proposed at Madras to discontinue altogether the Mahomedan law in the administration of criminal justice.

309. It is the same criminal law that is administered to the Hindoos and Mahomedans?—The same.

310. In all the courts there is a law officer, the moolavie, who sits and assists the judge in the investigation of matters of fact?—According to the theory of the court, rather in matters of law; the fact is to be found by the English judge, and the Mahomedan law officer is then desired to state how the law applies to the fact, as found by the judge.

311. His futhwa is in the nature of a verdict?—It is rather in the nature of a judgment of what the law is as applied to a given state of facts.

312. Does not his futhwa embrace the fact as well as the law?—It does, because the fact turns on the law: he states what witnesses are inadmissible, and what are not entitled to full credit; but the judge sets aside his scruples, and says what evidence he must admit, and in reality what facts he must take to be established.

313. He sits during the whole of the trial with the judge?—Yes, in serious matters; in minor cases the magistrate sits alone.

314. Did your plan embrace a continual change of persons as assessors, as we in this country have a continual change of persons as jurors, or did you mean that there should be some permanent persons to be employed as assessors, and to be in fact judges?—My views hardly went the length of amounting to a plan; but I was of opinion at the first it would be preferable that the number of those assessors should be limited, till a certain body of assessors were trained to their new functions.

315. Do you mean that there should be a certain number of persons from time to time summoned to discharge the function of assessors?—My idea was, that the country should not return a panel of jurors, but that there should be a very limited number selected by the officers of government, as being likely to exercise the new function in a satisfactory manner in the first instance, and that the system should be extended if the experiment was successful.

316. Your former answers suppose that the system by which the judicial situations in India, so far as Europeans are concerned, are now filled, is to continue; but supposing that system to be so far modified that the persons selected for judicial appointments should be selected from a larger number, from Europeans possibly resident in the country for other purposes, or in any way so as to give a larger field for selection, do you then suppose it would be impossible to provide for some system of justice that could embrace both natives and Europeans in the interior of the country?—It would be impossible to establish judicatories that could sufficiently administer civil and criminal justice over the very limited number of English settlers who under any system could be found in India.

317. Might not much greater care be taken to qualify for judicial situations in India those Europeans who are to fill them up?—I do not think they would be much

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much fitter for the purpose if they were qualified in the highest degree; if they could be lawyers, for instance, sent out from England: with the very limited functions* they would have to perform, they would hardly acquire the judicial character.

318. But you speak of young men, just going out as writers, being put in situations where they would have to administer justice to the Europeans, and then they would be jealous of that sort of jurisdiction; might not that evil be obviated if the judges were selected from a somewhat different class, and if their qualifications were better secured?—If there could be as many supreme courts, or courts of the same character as the present zillah courts, then the particular objection that has been in view would not exist; but other objections, much more conclusive against the system, would rise up. The expense would be ruinous, and I apprehend the system of English law, administered over a conquered country, or a country held as India is, would be impracticable.

319. Without supposing such a change of system, and supposing the system in other respects to be the same, might you not, by securing persons better qualified to fulfil the judicial functions, obviate the difficulty of subjecting Europeans to the rule of the country courts?—I do not imagine that the Company's civil servants are particularly ill qualified; I think it is only the circumstances of the situation that render their qualifications so extremely defective as they are; I imagine they are as well qualified as, under the same circumstances, any substitutes for them would be likely to be.

320. You are aware that no means are now taken to qualify persons to discharge the judicial functions of the interior, except the merely mental instruction given to the students at Haileybury?—That, and the preparation they go through for years after their first arrival in India, by mixing among the natives in the discharge of revenue duties, is a better education than could be obtained by more professional means. They are fitter for the duty of country judges than members of the profession from Westminster-hall, distributed over the provinces of India.

321. Do you think there would be no advantage in providing some direct instruction in India for the writers who are to fill judicial situations which they might combine with the advantage of serving in the revenue department?—My belief is, that the idea of a selection out of a limited body, like the civil service in India, is quite impracticable; the effect of it would be to make those excluded from the selection more unfit for the remaining duty. It is quite impossible to select and train up a particular class out of such a body for specific duties; it is better as it is, when they are generally qualified in a proper degree for all the functions they may be called on to perform.

322. You know that in Bengal that division does obtain?—I do not think the Bengal so good as the Madras system.

323. You know there is a training for those who intend to follow the judicial line?—They are confined to that one line; there is not otherwise much training. The Bengal officers, I believe, admit that the local functionaries are more efficient in the Madras establishment.

324. You mean the revenue officers?—District officers; I do not know that they are so well read in the Regulations.

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325. Do you think it is the impression in Bengal that justice is better administered under the presidency of Madras than Bengal?—I do not know that it is *their* impression; it is *mine*.

326. You think that is very much to be attributed to their being employed, in the first instance, in the duties of the revenue?—I think so, certainly. There is a very admirable short minute of Sir Thomas Munro's, recommending that young men, on their first arrival, should always be employed in the revenue line; and in that he points out the unfavourable impression such minds must take up of native character, where it is exhibited to them only in the light of adverse suitors; they learn nothing of the condition and character of the inhabitants of the country, and have no sympathy with them.

327. Let it be supposed that, instead of appointing a given number of young men to India, a greater number be appointed, and that either in this country or in India the fittest out of that number should be selected to fill situations of importance; do you conceive that any advantage would be gained to the service by such a system?—I do not think the selection is practicable in this country; it is impossible to tell how a young man will turn out. They are at present examined as to general education, as to having received a liberal education, and as to general capacity; beyond that, it is impossible to discover their qualifications. It very often happens that young men who distinguish themselves most in their studies, do not distinguish themselves afterwards as public officers; that their turn of mind is more towards words than things. The selection in India is impracticable, unless young men whose fate has been already decided are to be thrown back on their friends at last. There is only one practicable mode of selection of which I am aware: it has often occurred to me, and has been suggested by me in India, but it is liable to great objection. It is this: the whole public service of India, civil and military, could be thrown into one body, and a selection made out of that general mass in India. My idea was, that every man should be in the army for the first five or ten years; that he should bear a sword; and that after that period, the government, under certain restrictions, should select those who showed talents and other qualifications, such as temper and knowledge of the languages. There are great objections, and very obvious ones to the arrangement; but I am not aware of any other method by which a selection on a large scale could take place.

328. Upon an average, at what age do young men go out to the civil service from this country?—Between 18 and 20.

329. Now, you know that in this country a profession of a young man is chosen; if he is intended for the law, his profession is chosen before the age of 20, is it not?—I think it is so.

330. But might there not be, before they went, a selection; if they do not go till 20, might they not select a particular line?—Young men choose those professions before 20, but nobody can tell if they will succeed in them.

331. You think that principle of ascertaining qualifications by examination could be applied more essentially than it is in this country?—I do not consider any improvement necessary, for the young men are remarkably well educated; a great improvement has taken place within the last 20 years.

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332. Do you mean to say that the system of education at Haileybury has been found to answer?—The system of education has been found to answer; the institution has been attended with a great many disadvantageous circumstances, but not in respect of education.

333. Do you think that, in order to furnish persons with education to discharge judicial functions in India, it might be desirable to prolong their stay in this country beyond the present period, to obtain instruction?—On the contrary, I would send them out young; they otherwise come out with a distaste for banishment and for native character. The great evil to be contended against is a dislike to their duty, to intercourse with the natives, and to separation from their countrymen.

334. In what manner would you obtain a knowledge of the general principles of jurisprudence, in order to qualify them for the judicial office?—As a part of general education, if it is required in a higher degree, and not obtained under the present system. One advantage must be set over against another; on the whole, I think the present system operates more beneficially than that of detaining them in this country for professional education.

335. Retaining them in this country for the purpose of instruction, would necessarily render them less fit to attain a due knowledge of the languages in India before they enter on the judicial functions?—Probably it would in some degree.

336. Do you think they could obtain in this country a sufficient knowledge?—No, I think not.

337. Arriving at a later period, they would have less aptitude for learning the languages of the country?—In some degree.

338. Not very considerable?—I think not.

339. Is there any period after their arrival in India, before which they cannot be appointed to office?—The rules have varied; the rule at present is, that a young man cannot be employed at all in public duty until he has been about two years in India.

340. Is there any other rule as to employment in a judicial situation?—I think there is; but those rules have varied, and when they have remained, they have not always been observed.

341. In whatever manner the qualification of the young man going to India is secured in this country, whether by giving him a certain course of education, or by subjecting him to a public examination, or by uniting both those methods, do you not conceive that if the numbers that went were selected out of a larger number, the amount of qualification in the whole would be better secured than by the present system, which appoints exactly so many as the service in India is supposed to require?—The advantage would not be obtained without paying for it, if you prepared twice the number that was required, or whatever the excess might be; but the advantage which would be obtained would only be that of scholarship, or a better promise on the part of the young men: how far they might possess good sense and talents for the affairs of human life and for public business, with temper, discretion and moral qualities, all that would be left still to chance; and if they went out with an idea of being better than their fellows, something would be lost as well as gained by the selection.

Veneris, 30^a die Martii, 1832.

The Right Hon. ROBERT GRANT in the Chair.

IV.
JUDICIAL

DAVID HILL, Esq., called in and further examined.

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342. ALLOW me to ask you, on the supposition that there was an increased number of Europeans resident in India, do you think it would be impossible to frame a system of judicature which should have jurisdiction over both Europeans and natives?—I have reflected more on the general question, in consequence of my last examination, but I am confirmed in my impression of the impracticability of the measure. I conceive it would be desirable, and very easy to establish a legislature in India upon improved principles, for framing the regulations for the country courts, and on an emergency for framing laws to regulate the proceedings of the supreme courts also, subject to ulterior sanction in the mother country; but it seems to me that, under the most favourable circumstances, the measure of rescinding the whole system and provisions of the law of a community, and framing a new system and new provisions in their stead, would be attended with infinite difficulty, and be exposed to the greatest hazards of omission and collision, which could only be ascertained by experience. I think the difficulty very much aggravated by the complicated nature of the provisions of English law, as being adapted to a highly civilized and very old country. There are other difficulties that are very strongly put in a particular paper of Sir Charles Grey's, relative to points that either have not been settled, or have been settled in contrary ways at different periods and by different authorities. There would be also additional difficulties from our very imperfect knowledge of the provisions of some of the systems of law we should have to rescind and to re-establish, provisions of the Hindoo and Mussulman law. We have a very imperfect knowledge of landed tenures throughout India: they would require to be provided for also. Then there comes the difficulty most present to my mind on a former occasion, which seems to me to be of itself nearly insuperable, the difficulty of establishing a system of judicature capable of administering the law over both European settlers and natives. There is another circumstance which might either be considered as a difficulty or a facility. My impression has long been, that the government of a country held as India is, must exercise a control over the administration of the law. Whether that would facilitate the adoption of the scheme suggested, or be an additional obstacle in the way of it, may be matter of doubt.

343. To what species of control do you advert?—I mean merely that the system of judicature in a country held by the right of conquest, and by the power of the sword, cannot be left independent of control. There is no public opinion to control it, and it may, with the best intentions, operate in a manner totally at variance with the whole end of the government of the country, and with the system on which the administration of its affairs is conducted.

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344. Would it be necessary that the judges should in all cases be removable at the pleasure of the government?—My objection is quite of a different nature; I mean, that the judges, in the faithful discharge of their duty—

345. Do I understand you to say, that the judges of every kind should be removable at pleasure?—That is not what I alluded to; it was, that the government ought to possess the means of staying the proceedings of the courts of justice.

346. Do you mean to say that they should have some powers which they do not now possess?—Some powers that they do not now possess.

347. Have you thought at all of the detail or mode in which such a power could be exercised?—My general impression is, that the decrees of the ultimate tribunal ought never to be executed without being previously made known to the government, that they may interpose their authority if they see occasion, if the safety of the state and the general welfare of the community makes it necessary.

348. Do you mean that remark to apply to all judgments of the Supreme Court, or only to such as are of a political character?—By the Supreme Court, I mean the jurisdiction in the last resort. Unless all judgments were submitted, it would not be within the competency of the government to interpose their authority in cases that required such interposition.

349. You proceed on the supposition that there is one system of judicature for the whole country?—My observation is more applicable to that; but it has a certain degree of application to the constitution of things in the King's courts as it now exists. It would only be in very rare cases that the government would find ground to interpose its authority, or be justified in exercising such a prerogative.

350. Has any practical inconvenience resulted, within your knowledge, from the absence of such control on the part of the government?—With respect to the country courts, certainly there has.

351. In what cases do you think it would be within the competency of government to interpose their authority?—With respect to the country courts, I have alluded to cases that have had the effect of exciting rebellion in the part of the country to which they applied.

352. And on great public questions?—On great public questions, or on principles that grew up to be public questions afterwards, and affecting great interests. Sometimes it is a principle established by a decision which, when it comes to be generally applied, produces a great effect on the political system of the country.

353. Could you instance more particularly?—It was settled by a construction of law, that zemindars were capable of levying a certain branch of revenue called *mohiturpha*, even with the sanction of the government; and by another construction of law, the object of taking confessions of prisoners was completely frustrated. Again, by the execution of legal process, rebellion was at different periods excited in two principalities in the Ganjam district, viz. Goomsoor and Moherry.

354. What, in your opinion, should be the constitution of a legislative council in India, and of whom should it consist?—I am afraid there are no other materials for such a body except the members of the government and the King's courts: it would be desirable, I think, to give it a broader foundation, if there were the means of doing so.

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355. Would it be possible to include persons having no connection otherwise with the government, who should be considered in a similar sense as if they were acting on the part of the native inhabitants?—I conceive that there are no parties in India capable of protecting the rights of the natives, as things now are, excepting the public functionaries, who would be represented properly and adequately by the members of government.

356. Will you state any general ideas that you have either upon the functions or constitution of such a council?—I am not aware that I have any further ideas than to express my perfect concurrence in the views adopted by the judges of the Supreme Court on that subject, as distinct from the further question of new modelling the law of England and the law of India, and of framing a substituted system out of them.

357. Do you think it would be open to no objection, to invest the judges with legislative functions?—If it be open to some objection, I think, upon a balance, it would be attended with very great advantage. I think the system at present is totally unfit for the purposes of legislature. The acts of the legislature are merely acts of the executive government, and are framed in the same precipitate manner, on the urgency of the occasion.

358. Are not certain of the Regulations submitted to the judges of the Supreme Court, before they are carried into effect?—The Regulations for the good order and civil government of the three presidencies require the concurrence of the judges of the Supreme Courts respectively, and the judges of the Supreme Court of Calcutta have also construed the law to render their concurrence necessary in passing Regulations for imposing additional duties. The Regulations for the country courts require no concurrence on the part of the Supreme Court, but are passed by the sole authority of the Indian governments.

359. What do you conceive would be the advantage of a legislative council?—I think the first advantage would be, that the duty of legislation would be performed in a much more deliberate manner. The next advantage would be, that with the aid of the judges, the principles of law and of justice would be much more regularly observed than they are likely to be by an executive government, which legislates on the impulse of the moment.

360. Do you not also conceive, that in certain cases the delay and circuitry of a reference to Parliament would be saved?—My answer had reference to the Regulations for the country courts. With respect to the Supreme Court, there is a third advantage this question points out, which in effect would supply a great deficiency in the present system of legislation: the delay is so great as to amount to an absolute obstruction of legislation. One Governor-General, Lord Minto, at the end of his government, when on his return to England, stated to me, that owing to distance and delay, he found it to be impracticable to obtain legislative enactments on points on which there was not the least question as to the propriety of their being passed.

361. Did the unfortunate disputes which took place at Bombay between the government and the judges, attract much notice in other parts of India?—Not generally through India; not much at Madras, even in English society; at Bombay of course it did, and I believe also in Calcutta, where they have a much greater turn for political discussion.

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362. Are you aware whether the question had arisen at Madras, whether the Supreme Court had power to issue writs of any kind into the provinces?—I think not. In argument it may; but practically, I think it had not arisen. There were legal methods by which matters adjudicated by the country courts were brought within the jurisdiction of the Supreme Court: this was by the dextrous management of the practitioners in the Supreme Court, and not by any encroachment of the court itself, or desire to extend its jurisdiction.

363. Is there a disposition in the natives of India to look to the Supreme Court as a sort of defence to them against the government?—At the Presidencies, very likely, as there it is the only jurisdiction; throughout India, certainly not; in the provinces, certainly not: I do not believe generally they know anything about the matter; but where they do, I imagine they only look on it with terror, as an unseen instrument likely to involve them in ruin; I fancy they generally know nothing about the matter.

364. Your observations are confined to the Madras presidency still, are they not?—I have probably taken a wider range in some of my answers, for my means of loose information were gathered chiefly at Calcutta, during my last residence in India.

365. When you say that you should suggest that the judges should have legislative powers, do you mean that it should only be a sort of superintendence over legislative enactments?—According to the projected scheme, the judges were to be constituent members of the legislative council; and the majority of the judges were, in certain cases, to possess a description of veto in the exercise of its authority, in cases where they stated their opinion to be, that the proposed enactment was at variance with the law of England.

366. Would they have time to exercise that judicial legislative power?—As to framing a new code in lieu of the codes to be extinguished, I imagine that would not have time, neither they nor anybody else; but for substituting this mode of passing regulations for the country courts for what exists now, and also for the passing emergent laws to regulate the proceedings of the Supreme Court, pending a reference to the authorities in England, I imagine they would have abundance of time; probably it would save them time in their judicial functions.

367. You are aware that the idea is entertained by many persons, that the introduction of European settlers into India is not only practicable but would be advantageous; are you able to state to the Committee any general ideas upon that subject?—The advantages to arise from the settlement of Europeans in India have been wonderfully exaggerated: I estimate them very low indeed. The process used to go by the name of Colonization; now, I believe, the principal recommendations of the scheme are considered to be the transfer of British capital, and skill and enterprise, for the purposes of drawing forth the resources of India. I have no conception that any British capital would ever find its way to India: it never did when the temptation was much greater than it can now be expected to be; and the distance of our empire, the uncertain tenure by which we hold it, the alarms continually springing up as to events endangering its stability, will effectually prevent British capitalists from transferring their funds to India. In that case, there remain only the skill and enterprise of Englishmen. According to my conception, they

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will be very far behind the natives in most departments to which skill can be applied. There are physical difficulties in the way of their undertaking manual labour, which must exclude them from being agriculturists or mechanics in India ; for I imagine that a farmer who never held the plough in his hand, and who was transferred to a country where the climate, and the system of agriculture and the products of the earth are all different from what he has been accustomed to, could never cope, in point of skill, with the natives of the country. I imagine that the ryots of India are much better husbandmen than European settlers would be. So it would be as to mechanics also. There remains only the object of stimulating and directing the exertions of the natives themselves ; an object which falls very far short of the sanguine expectations of the advocates of the system of free resort of European settlers to India, and an object which, under the present system, seems to me to be attained to its full extent, or under the present system admits of being carried to any further extent which may be deemed necessary. Then there will arise objections to the system connected with the bad characters which would go : if none but good characters went, they would be doing harm to themselves, but would not do any harm to India. A man of good conduct and capacity could not injure India ; but my impression is, that as it would be a bad speculation to the settlers, many would forfeit the good character they took out with them, and many others would find their way to India who were bad subjects, difficult to govern, and not capable of conferring any benefits on the country they visited.

368. You are aware that the Company have generally been averse to the principle of exporting British capital to India?—I am not aware of that.

369. At what period was there more facility or temptation for exporting British capital into the provinces of India than at this moment?—When the rate of profit was much higher than it now is, or is likely ever to be again ; when with the greatest ease 20 per cent. might be made in the money market of India, where five or six now is a fair remuneration.

370. Did not the system of the Company, by impeding Europeans from settling in India, oppose obstructions to the introduction of European capital into that country?—Probably the obstructions to the resort of Europeans may, in some measure, have tended to prevent British capital from being transferred there ; but I should think, if the inducements had been sufficient, there were no obstructions that would have been effectual.

371. Are there now Europeans in the presidencies who, if greater facilities were allowed, would engage in agricultural or manufacturing speculations in the interior of the country?—I am not aware that there are, or that there is useful scope for a greater number. I think they would supplant better men in the persons of natives who are now employed in those pursuits.

372. In point of fact, are there not many Europeans at the presidencies who are calling out for greater facilities?—There are a great many more Europeans in India now than can find useful employment.

373. Are they not cut off from a great variety of the employments of the country?—I think not : they are prevented from acquiring real landed property.

374. They are not allowed to move freely in the interior of the country?—As long as they behave themselves well, I think they are. They are not allowed as
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matter of right, but in practice there is no difficulty, so long as they are supposed to conduct themselves well.

375. Do you think that any advantage would arise from conferring upon the half-caste race any rights or privileges which they do not now enjoy?—If they are not allowed to acquire landed property, I think they ought to be. They have a much better claim to consideration than European settlers, for it is their native country; but I am not sufficiently acquainted with any obstructions in the way of their prosperity, to say what relief they require; I think they ought to be placed on a footing with the natives of the country.

376. When you say that in some cases Europeans, if allowed to go into the interior, might supplant the natives, how do you reconcile that statement with your former opinion, that the natives generally will be found to cope successfully with the Europeans in regard to the produce of the interior?—Still I conceive that through the patronage of their countrymen, connection by blood, or by friendship, or recommendation, they would be preferred to situations that might be more fitly occupied by natives. I think that the labours of the land must still be performed by the natives, for the constitution of an European physically incapacitates him from taking the place of the native; but there are higher situations which are at present filled by natives that might be transferred to Europeans, through favour shown to them by their countrymen.

377. Where does the capital employed by the indigo planters come from?—It is accumulated in India exclusively.

378. Then what part in the undertaking of the indigo plantation does the British settler act; is it his skill, or what is it?—I think it is his enterprise in the direction that he has given to the labours of the people; he has found out a commodity which has been profitably raised.

379. Europeans having settled in India, and made establishments there for the plantation of indigo, contemporaneously with that there has been a great increase of indigo, and great good has resulted to those parts of India from it?—This result has followed from the present restrictive system, and has been carried to the utmost extent, so that indigo is now at a price that does not remunerate.

380. At the same time, the average result on the whole has been that of an extended cultivation, and great good to those parts of India where it has been carried on?—That has arisen under the present restrictive system.

381. Do you attribute that to the restrictive system?—Not to the restrictions of the system; the indulgence is quite compatible with the operations of the present system.

382. Do you mean that the law should be made different so as to grant them more indulgence, or without any alteration of the law, would you wish for a further introduction of Europeans into that country?—I believe that little or no alteration of the law is necessary, for the present system is sufficient for the purpose.

383. Are there not other products which might be cultivated with considerable advantage, if they were undertaken and prosecuted by English skill and capital?—According to my conception, Europeans could do nothing to promote the more skilful culture; they could not prepare the ground for cotton. The European merchants

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at Calcutta have tried the rearing of cotton and sugar with very little advantage to themselves.

384. Has the import of East-India cottonin to this country increased?—It has fallen off very much.

385. Why should not the same principle apply to the cultivation of cotton, as has been found practicable in the case of indigo?—I imagine that the climate and soil are not adapted to the produce of cotton and sugar, in comparison with the other quarters from which supplies are drawn.

386. Did you ever hear the opinion of any manufacturers at Manchester, or any person in the habit of importing cotton to Liverpool, on this subject?—I am not aware that I have; I believe Indian cotton is held in very low estimation.

387. What is your idea with respect to giving Europeans power of holding land in India?—I see no possible benefit to accrue from it, and a great deal of embarrassment.

388. If they held the land by the tenure which it belongs to, what embarrassment could be the consequence?—I do not see how they could. If English tenures and Indian tenures were once mixed together, I think that a question already very difficult would be made still more so; and I see no advantage that would arise from it.

389. Would a law authorising them to hold land in India produce any positive mischief?—According to my apprehension, it would. The English settlers belonging to the ruling party in the state, would have influence enough to have laws framed and executed so as to favour them at the expense of the laudholders, who belong to the conquered part of the community; and in that way I think it would be a serious evil to India, a wrong committed against the natives of that country, and for no advantage, as far as I am aware. They have the fruits of the land as it is; and, considering what physical disadvantages they labour under, and what political evils would ensue from allowing a free resort of Europeans to India, I think nothing would be gained, and only loss would be incurred by changing the law in that respect.

390. It would not follow that, because they were admitted to hold land, they should be permitted to have an indiscriminate resort of Europeans into the interior?—It is not a necessary part of the system; still it does form a part of the scheme.

391. Have many disputes arisen between the indigo planters and the natives?—There are constant disputes.

392. What is that attributable to?—It is not easy to say; it seems to me very like the condition of society in Ireland, where the law derives no aid from popular feeling; there is continual warfare.

393. Is it owing to the misconduct of the settlers?—That has only an accidental share in it; that is not the root of the evil. It seems to originate in the necessity of making advances to the poor cultivators; and then the produce, which ought to be delivered in return for those advances, is bought up by some interloper, and armed parties are taken out to carry it off by force, or repel the intruder.

394. Does it result in any degree from the uncertainty of the proprietary of the land?—The disputes regarding boundaries are very frequent.

395. Has

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395. Has the settlement of the indigo planters been productive of benefit to those portions of India where they are settled?—I have no means of knowing myself, but I have understood it has. The appearance of the country has improved; I believe the condition of the people has not. The land is more highly cultivated.

396. What is the general feeling of the natives as to the administration of justice by the country courts; is it a feeling of confidence in these courts, or otherwise?—Not of satisfaction, certainly; they have been generally felt to be extremely irksome; I mean the zillah courts.

397. What is the nature of the improvements that you would suggest in the constitution of these courts?—My general impression is, that all justice ought to be administered by the natives themselves, who are much more competent to do it, and who would do it on more easy terms than it can be supplied from any other quarter.

398. What is your opinion as to appeals?—My general idea as to that is, that the English officer ought not to exercise the appellate jurisdiction, but when necessary should direct a new trial, transferring the cause to another native judge; that the British superintendent, if he sees fit on any ground, should, without going himself into the merits, order the cause to be tried again by a higher tribunal, in the nature of an appeal, or by the same or another tribunal, in the nature of a new trial.

399. This is a principle recognized already by some of the native courts, is it not?—I am not sure that new trials are in practice with us, which would be a great improvement; I think they are always appeals.

400. Is not there a power of some superior court sending back the case?—I am not certain as to that; I think there is a great defect in the system of appeal generally in India, but I am not lawyer enough to be sure that my notion is correct. The whole evidence is recorded, and the superior court reads over that which the original court has heard, and comes to a conclusion, not upon any particular point of fact or of law that has been excepted against by the losing party, but on the whole merits of the case; the appellate court tries on reading the same evidence as the original one tried on hearing.

401. You have already been asked with respect to the age at which you would send young men to India?—I think I stated before, that I did not imagine it would be an advantage that they should be kept longer in England than from 18 to 20; I think that would not be an improvement.

402. Suppose a system by which young men of apparent talent for the legal profession should be selected, and should have education in the principles of general law in England for a year or two, and then that their knowledge should be perfected in India for a year or two, by a more particular application of the principles of the law of that country; do you not conceive that that would effect a very material improvement in the general administration of justice?—Not according to my idea; I conceive the improvement that is necessary in our judicial system in India is to transfer the functions of judges to natives; I conceive also that the great *desideratum* in the office of the public functionaries of the Indian government is a knowledge of the native character, language and manners, and a sympathy with

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with the people among whom they are to live, and a taste for their official duties; I am quite convinced that all these advantages would be forfeited by high legal attainments.

403. Could not the two qualifications be made compatible in a greater degree than they appear to be at present?—The general qualifications might perhaps be attained in a higher degree by greater care in the selection of young men sent out to India; the legal qualifications would be a little or no advantage, according to my view, as I conceive the legal functions ought not to be in the hands of European functionaries; that it would be totally impossible to pay an adequate number, and if obtained, they never could be so competent to perform the duties as natives, who might easily be instructed in them.

404. In what way would you employ Europeans in the administration of justice in the interior of the country?—I would merely make them, in the administration of justice as in every branch of civil administration, the links by which the system of internal administration is connected with the government of the country.

405. Have you at all calculated what would be the reduction of the number of Europeans now employed in the judicial department?—According to my recollection regarding the Madras presidency, there have of late years been about 30 judges in our districts; independently of these judges we have assistants, called registrars, who are totally unfit, in my estimation, to exercise judicial functions, being too young and inexperienced. Instead of having about 30, according to my impression, 20 would be ample, which would make a reduction of one-third.

406. And do you think, besides the saving of expense, the object would be better accomplished?—I am quite convinced it would, and that 30 accomplished natives would do a great deal more than 30 Europeans, such as can be obtained.

407. How would you effect the transition from the present system?—It is in progress already at Madras.

408. Has there been a diminution in the number of persons sent out?—Yes, there has.

409. Do you think that experiment would be injured by the free resort of Europeans into the interior?—I think that this improved system would not be applicable to such a condition of society.

410. You could not carry into effect the proposal of having native judges, if Europeans had a permanent freedom of settling?—I stated that impression on my last examination.

411. And you stated that the younger persons go out to India the better?—Not to that extent; but it is desirable that they should go out young.

412. Suppose they go out very young, do you think it would be best to employ their previous time which they pass in England in studying Indian institutions, or Indian law, or the Hindostanee language, or acquiring general knowledge?—Certainly, general knowledge.

413. If Europeans are to exercise this sort of controlling or superintending power over native decisions, ought not they to learn some general principles of jurisprudence?—I think, if you could get that without losing anything else, it would be all the better; but I consider it a very secondary qualification for a ruler of the land.

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414. Have you any further suggestions to offer to the Committee relative to the improvement of the system of judicature in the administration of India?—My views are of a very simple and summary description. I conceive that throughout the provinces justice ought to be administered by natives, who are to be found perfectly competent to the office; that there should be a gradation of native judicatories, one class having jurisdiction over another; and that the operations of the whole should be superintended by British functionaries, who should connect the system of internal administration with the government which rules the empire. I ought to explain, in the way of apology for some of my notions, that I look upon India entirely as a conquered country, which cannot enjoy the advantages of a constitution of balance and check among its several parts, but must be kept under an absolute government. I conceive that all ideas of perfectibility in its institutions are quite inapplicable to the condition of the case. My impression accordingly is, as I have stated on another occasion, that no system ought to be rejected merely because it has a great many faults, as I am quite aware my scheme has. I think our position in India so forced and unnatural, that all our institutions must be extremely defective. They are only enthusiasts, as the advocates of some particular system, who imagine for the time that they have found out one that is faultless. In judging of any one of the plans for assessing and collecting revenue, for administering justice, for preserving peace and good order, we must first weigh its defects against its merits, and then against the defects of any rival plan; the best we shall have in the end will be a balance in favour of what we prefer.

415. Since your system supposes the more extensive employment of natives in the administration of justice, do you suppose that the effect of such an extended employment of natives would be, by whatever gradations, to ultimately throw the government of India into the hands of the natives?—My views on that point are, that the natives ought to be brought forward in the government of their own country, as far as they are capable of being so by their moral and intellectual qualifications, subject only to the security of the empire, so long as we are to retain it. My views would therefore bring them forward certainly in the administration of the affairs of the country, but would not have the effect of placing political power in their hands.

416. Supposing them to improve in general intelligence and knowledge, do you conceive that the effect would not be to endanger the stability of the British power?—If that effect naturally resulted from a more liberal system towards the natives, I think it is a consummation most ardently to be desired. I do not think the measures I have suggested would be likely to place power in the hands of the natives before they were fit to use it. I have no conception that any English statesman, who turns his attention to the subject, would for an instant entertain the idea of keeping India in a debased and degraded state, in order to perpetuate or prolong our empire.

417. On the contrary, you would be prepared to suggest a system which might ultimately have the effect of completing the transition of power from our hands to those of our present subjects?—That I should think a most desirable result, but I see no prospect of it.

418. Do

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David Hill, Esq.

418. Do you conceive that there has been a very remarkable change within the last 30 years in the character of the natives and their intellectual acquirements, or at least of those of the natives who are connected with the presidencies?—In some respects; at Calcutta, for instance, there is a marked improvement in the system of European education among the natives; but I should not think their intellectual faculties are much improved; these are shown to most advantage in natives who have generally had little intercourse with English society. The ablest natives are those who do not know the English language.

419. At the presidencies, have they not in some measure learned to criticise the proceedings of government, and to entertain and deliver opinions respecting political matters?—In Calcutta they have to a limited extent, but sometimes it is done by Europeans in their names.

420. That has not been done in the presidency of Madras?—Not more than was done 30 years ago.

Martis, 3^o die Aprilis, 1832.

ROBERT CUTLAR FERGUSON, Esq. in the Chair.

HOLT MACKENZIE, Esq. called in and further examined.

3 April 1832.

*Holt Mackenzie,
Esq.*

421. HAVE you brought with you a translation of the Persian statement to which you referred in your last examination, respecting the expenses of suits in the different courts in India, the Zillah, the Provincial, and the Sudder Courts?—Yes, I have.

[The Witness delivered in the same. Vide Paper (A.)]

(A.)—Cost of Suit and Defence in the Zillah Court.

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Holt Maulazie,
Esq

COST OF THE PLAINTIFF.

THING SUED FOR.	Value.	Institution Stamps.	Miscella- neous Stamps.	Pay of Peons and Ameens.	Vakeels' Fees.	Witnesses' Main- tenance.	TOTAL.
	<i>Rupers.</i>	<i>Rupers.</i>	<i>Rupers.</i>	<i>Rupers.</i>	<i>Rupers.</i>	<i>Rupers.</i>	<i>Rupers.</i>
150 Begahs of Land } paying Revenue - }	930	50	9	80	46	9	194
A Talook - - -	129	8	11	15	6	-	40
250 Begahs of Alluvial } Land - - - }	250	32*	13	13	12	6	76
300 Begahs of Land -	525	32	64 $\frac{1}{2}$	3 $\frac{1}{2}$	26	35	161
Share of a Talook -	673	32	24 $\frac{1}{2}$	23	34	7	120
Debts - - -	840	50	13 $\frac{1}{2}$	5	42	-	110 $\frac{1}{2}$
Ditto - - -	1,664	100	8 $\frac{1}{2}$	1	83	-	192
Ditto - - -	1,000	50	9 $\frac{1}{2}$	-	50	-	109 $\frac{1}{2}$
Ditto - - -	1,262	50	15 $\frac{1}{2}$	1 $\frac{1}{2}$	64	-	131
Bond Debt - - -	1,500	50	12	-	75	-	137
Rent-free Land - -	686	32	14	5	34	-	85
Ditto - 77 Begahs -	631	30	26	99	32	21	207
Ditto, quantity not specified	1,647	60	13	1	75	4	154
Ditto - ditto - -	527	25	5	5	26	4	65
Ditto - ditto - -	1,237	51	16	1	61	-	129

* There appears to be some mistake here; the proper stamp being only 16 rupers.

COST OF THE DEFENDANT.

THING SUED FOR.	Value.	Stamps.	Pay of Peons and Ameens.	Vakeels' Fees.	Witnesses' Main- tenance.	TOTAL.	TOTAL of both Parties.
	<i>Rupers.</i>	<i>Rupers.</i>	<i>Rupers.</i>	<i>Rupers.</i>	<i>Rupers.</i>	<i>Rupers.</i>	<i>Rupers.</i>
150 Begahs of Land } paying Revenue - }	930	22	5	46	17	90	284
A Talook - - -	129	6	-	6	-	12	52
250 Begahs of Alluvial } Land - - - }	250	-	-	12	-	12	88
300 Begahs of Land -	525	32 $\frac{1}{2}$	2 $\frac{1}{2}$	52	-	87	248
Share of a Talook -	673	21 $\frac{1}{2}$	13	34	6	74	194
Debts - - -	840	-	-	-	-	-	110 $\frac{1}{2}$
Ditto - - -	1,664	9	- $\frac{1}{2}$	83 $\frac{1}{2}$	-	93	285
Ditto - - -	1,000	17 $\frac{1}{2}$	4	50	-	71	180 $\frac{1}{2}$
Ditto - - -	1,262	11	1	64	-	76	207
Bond Debt - - -	1,500	2	-	75	-	77	214
Rent-free Land - -	686	16	-	34	32	82	167
Ditto - 77 Begahs -	631	20	108	32	-	164	371
Ditto, quantity not specified	1,647	5	-	75 $\frac{1}{2}$	-	81	235
Ditto - ditto - -	527	15	-	26	-	41	106
Ditto - ditto - -	1,237	18	-	61	-	79	208

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Esq.

COST OF PARTIES in the Court of Appeal.

APPELLANT.

THING SUED FOR.	Value.	Institution Stamps.	Miscella- neous Stamps.	P'cons and Amceens.	Vakeels' Fees.	Witnesses' Main- tenance.	TOTAL.
	<i>Rupces.</i>	<i>Rupces.</i>	<i>Rupces.</i>	<i>Rupces.</i>	<i>Rupces.</i>	<i>Rupces.</i>	<i>Rupces.</i>
150 Begahs of Land } paying Revenue - }	930	50	6	- -	46	- -	108
A Talook - - -	129	8	6	- -	6	- -	20
250 Begahs of Alluvial } Land - - - }	250	32	5	1	37	- -	76
300 Begahs of Land -	525	32	13	- -	26	- -	71
Share of a Talook -	673	32	13	2	34	- -	81
Debts - - -	840	50	12	1	42	- -	105
Ditto - - -	1,664	100	26	- -	83	- -	210
Ditto - - -	1,000	50	6	2	50	- -	108
Ditto - - -	1,262	50	63	- -	75	- -	188
Bond Debt - - -	1,500	50	21	- -	75	- -	146
Rent-free Land - -	686	32	44	2	34	5	118
Ditto - 77 Begahs -	631	32	12	2	31	- -	77
Ditto, quantity not specified	1,647	100	14	2	148	- -	263
Ditto - ditto -	527	50	30	- -	47	- -	127
Ditto - ditto -	1,237	50	29	- -	62	- -	141

RESPONDENT.

THING SUED FOR.	Value.	Miscella- neous Stamps.	P'cons. and Amceens.	Vakeels' Fees.	Witnesses' Main- tenance.	TOTAL.	TOTAL of Both Parties.
	<i>Rupces.</i>	<i>Rupces.</i>	<i>Rupces.</i>	<i>Rupces.</i>	<i>Rupces.</i>	<i>Rupces.</i>	<i>Rupces.</i>
150 Begahs of Land } paying Revenue - }	930	6	- -	46	- -	52	154
A Talook - - -	129	7	- -	6	- -	13	33
250 Begahs of Allu- } vial Land - - }	250	5	- -	37	- -	42	118
300 Begahs of Land -	525	9	- -	26	- -	35	106
Share of a Talook -	673	9	- -	34	- -	43	124
Debts - - -	840	5	- -	48	- -	53	158
Ditto - - -	1,664	5	- -	83	- -	88	298
Ditto - - -	1,000	1	- -	50	- -	51	159
Ditto - - -	1,262	12	- -	75	- -	87	275
Bond Debt - - -	1,500	12	- -	75	- -	87	233
Rent-free Land - -	686	43	1	34	3	81	199
Ditto - 77 Begahs -	631	- -	- -	- -	- -	- -	77
Ditto, quantity not specified	1,647	19	- -	148	- -	167	430
Ditto - ditto -	527	17	- -	47	- -	64	191
Ditto - ditto -	1,237	15	- -	62	- -	77	218

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Esq.

EXPENSES in the Sudder Court.

APPELLANT.

THING SUED FOR.	Value.	Institution Stamps.	Miscella- neous Stamps.	Vakeels' Fees.	TOTAL.
	<i>Rupees.</i>	<i>Rupees.</i>	<i>Rupees.</i>	<i>Rupees.</i>	<i>Rupees.</i>
150 Begahs of Land paying } Revenue - - - - - }	930	50	32	46	128
A Talook - - - - -	129	8	30	6	44
250 Begahs of Alluvial Land	250	32	39	37	108
300 Begahs of Land - -	525	32	30	26	88
Share of a Talook - -	673	32	42	34	108
Debts - - - - -	840	50	30	63	143
Ditto - - - - -	1,664	100	22	83	205
Ditto - - - - -	1,000	50	30	50	130
Ditto - - - - -	1,262	50	30	64	144
Bond Debt - - - - -	1,500	50	52	75	177
Rent-free Land - - -	686	32	40	34	106
Ditto - 77 Begahs - -	631	50	56	49	155
Ditto, quantity not specified -	1,647	100	31	148	279
itto - - ditto - -	527	50	24	47	121
Ditto - - ditto - -	1,237	50	40	62	152

RESPONDENT.

THING SUED FOR.	Value.	Miscella- neous Stamps.	Peons and Ameens.	Vakeels' Fees.	TOTAL.	TOTAL of both Parties.
	<i>Rupees.</i>	<i>Rupees.</i>	<i>Rupees.</i>	<i>Rupees.</i>	<i>Rupees.</i>	<i>Rupees.</i>
150 Begahs of Land paying } Revenue - - - - - }	930	28	28	46	102	230
A Talook - - - - -	129	26	-	6	32	76
250 Begahs of Alluvial Land	250	22	-	37	59	167
300 Begahs of Land - -	525	36	-	26	62	150
Share of a Talook - -	673	32	-	34	66	174
Debts - - - - -	840	20	-	63	83	226
Ditto - - - - -	1,664	18	-	83	101	306
Ditto - - - - -	1,000	20	-	50	70	200
Ditto - - - - -	1,262	22	-	64	86	230
Bond Debt - - - - -	1,500	44	-	75	119	296
Rent-free Land - - -	686	-	-	-	-	106
Ditto - 77 Begahs - -	631	38	-	49	87	242
Ditto, quantity not specified -	1,647	26	-	148	174	453
Ditto - - ditto - -	527	14	-	47	61	182
Ditto - - ditto - -	1,237	24	-	62	86	238

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SUMMARY.

THING SUED FOR.	Value.	Costs of Parties in the Zillah Court.	Costs of Parties in the Court of Appeal.	Costs of Parties in the Sudder Court.	GRAND TOTAL.
	Rupees.	Rupees.	Rupees.	Rupees.	Rupees.
150 Begahs of Land paying } Revenue - - - }	930	284	154	230	668
A Talook - - - -	129	52	33	76	161
250 Begahs of Alluvial Land	250	88	118	167	373
300 Begahs of Land - -	525	248	106	150	504
Share of a Talook - -	673	194	124	174	492
Debts - - - - -	840	110 ½	158	226	494 ½
Ditto - - - - -	1,664	285	298	306	889
Ditto - - - - -	1,000	180 ½	159	200	520 ½
Ditto - - - - -	1,262	207	275	230	712
Bond Debt - - - -	1,500	214	233	296	743
Rent-free Land - - -	686	167	199	106	472
Ditto - 77 Begahs - -	631	371	77	242	690
Ditto - quantity not speci- } fied - - - - }	1,647	235	430	453	1,118
Ditto - - ditto - -	527	106	191	182	479
Ditto - - ditto - -	1,237	208	218	238	664

422. Did the suits which are here mentioned take place in any particular year?
—No, they were taken indiscriminately.

423. For how many years?—They are from cases tried by the Sudder Court in various years subsequently to 1814; but the four last were instituted at an earlier period.

424. Was the Persian paper from which this translation was made obtained from the records of the Sudder Dewanny Adawlut?—It was compiled from the records of the Sudder Dewanny Adawlut, under the orders of the Registrar. The costs of suit in the several courts are always recorded in their respective decrees, with an order as to the party that is to pay them; and it was from the record of the decrees adopted in the Sudder Court that the different items were taken.

425. Were they taken indiscriminately from the whole number of causes of which there are records in the three courts, since 1814?—They are all cases which reached the Sudder Court after passing through the two subordinate courts; but
out

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out of these they were taken indiscriminately, the object being to get, as far as the Sudder records afforded it, a fair average of the charges of such suits.

426. Is the institution stamp a per-centage on the amount sought to be recovered?—No, not a per-centage, but a sum varying according to the amount or value of the property claimed.

427. Of what are the articles called the miscellaneous stamps composed?—The miscellaneous stamps are those chargeable upon miscellaneous petitions, applications for the summoning of witnesses, and for the filing of exhibits. I do not mean the stamps required to be used on the execution of the instruments that may be exhibited, of which various descriptions must be written on stamped paper, as will be found defined in the stamp regulations; but I now refer merely to the stamp which must be borne by applications for the admission of exhibits in suits.

428. In what manner are the peons paid?—In general by a daily allowance; and the same course is followed in regard to other persons deputed for any local duty relating to the suit. The fifth and corresponding columns include both descriptions of charge for cases in which both have been incurred; and in the first of the cases it is probable that an ameen, or commissioner, was deputed for the purpose of some local inquiry respecting the lands in dispute.

429. Do you apprehend so from the amount?—Yes, from the amount.

430. Are the vakeels' fees also regulated by a per-centage on the amount sought to be recovered, or on the amount recovered?—Up to 5,000 rupees, five per cent. is allowed on the amount or value sued for. When the amount or value exceeds that sum, the fee is regulated by a somewhat complicated calculation, until it reaches 1,000 rupees, the fee on a suit for 80,000 rupees or more.

431. What is the lowest institution stamp in any cause that is instituted in the Zillah Courts?—One rupee.

432. For what sums is that?—For sums not exceeding 16 rupees.

433. What is the highest?—Two thousand rupees, for sums exceeding one lac of rupees.

434. For 100,000 rupees, what is the institution stamp?—One thousand; exceeding that sum, 2,000.

435. By what Regulation is that?—The amount of the institution stamps is fixed by the Bengal Regulation, No. I. of 1814.

436. You have been speaking entirely of the courts subject to the Presidency of Bengal?—Yes.

437. Are the fees of the vakeels of the same amount in the different courts, in the Zillah, in the Court of Appeal, and the Sudder Dewanny?—Yes, they are at the same rate.

438. So that the suitor upon each stage of his cause in the Zillah Court, the Court of Appeal, and the Sudder Dewanny Adawlut, has to pay the vakeels?—Yes.

439. Has he also to pay institution stamps upon each?—Yes.

440. As if it were a fresh cause?—Yes.

441. That is, the plaintiff?—The plaintiff or appellant.

442. Upon what document or proceeding is the stamp affixed?—It is upon the plaint or petition of appeal.

443. Will

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443. Will you be so good as to state the amount of the vakeels' fees in progression, from the smallest to the largest?—For suits not exceeding 5,000 rupees, five per cent. is allowed. If the amount exceed 5,000 rupees, and do not exceed 20,000, five per cent. is allowed on 5,000, and on the remainder two per cent. If the amount or value exceed 20,000 rupees, and does not exceed 50,000, then on 20,000 the fee is calculated as in a suit for that amount, and on the remainder one per cent. is allowed. If the amount exceed 50,000 rupees, and does not exceed 80,000, on 50,000 a sum is allowed, calculated as in a suit for that amount, and on the remainder one half per cent. is allowed. If the amount exceed 80,000 rupees, 1,000 rupees are allowed and no more, however great the amount or value. These fees are fixed by Regulation VII. of 1814. The fractions of rupees are in all cases rejected.

444. Will you enter into the same detail with respect to the institution stamps?—In suits for sums not exceeding 15 rupees, the plaint or petition must be written on paper bearing a stamp of one rupee. If the suit exceed 16 rupees, and do not exceed 32 rupees, a stamp of two rupees is required. Above 32 rupees, and not exceeding 64, the stamp is four rupees. Above 64 rupees, and not exceeding 150, eight rupees. Above 150 rupees, and not exceeding 300, 16 rupees. Above 300 rupees, and not exceeding 800, 32 rupees. Above 800 rupees, and not exceeding 1,600, 50 rupees. Above 1,600 rupees, and not exceeding 3,000, 100 rupees. Above 3,000 rupees, and not exceeding 5,000, 150 rupees. Above 5,000 rupees, and not exceeding 10,000, 250 rupees. Above 10,000 rupees, and not exceeding 15,000, 350 rupees. Above 15,000 rupees, and not exceeding 25,000, 500 rupees. Above 25,000 rupees, and not exceeding 50,000, 750 rupees. Above 50,000 rupees, and not exceeding 100,000, 1,000 rupees. Above 100,000 rupees, 2,000 rupees.

445. Will you state any other stamp duties to which the parties are subject, besides the institution stamp?—All exhibits filed in court are required to be accompanied with an application praying the admission of the same, and that application must be written on stamped paper; if in the Zillah Court, the stamp is one rupee; in the Provincial Court and the Sudder Dewanny Adawlut, two rupees. So also no summons is issued for the attendance of any witness without an application in writing, praying the attendance of such person, which application must be written on stamped paper, similar to that prescribed in the case of filing exhibits. Further answers, replications, rejoinders, supplemental pleadings, and all agreements of compromise and petitions, are required to be written on stamps of one rupee in the Zillah Court, and four rupees in the Provincial Court or in the Sudder Dewanny. Miscellaneous petitions and applications preferred to public authorities, either revenue or judicial, are required to be written on stamps of eight annas, if preferred to a Zillah judge, or magistrate, or collector; of one rupee, if to a Court of Appeal or Circuit; and of two rupees, if to the Sudder Dewanny or Nizamut Adawlut, or to the Board of Revenue. The appointment of the vakeels to act in each case is made by an instrument bearing a similar stamp. Copies of decrees also are required to be stamped: in the Zillah Court, the stamp is one rupee; in the Provincial Court, two rupees; in the Sudder, four rupees; and all proceedings of the Sudder prepared for transmission to the King in Council must be transcribed on
• paper

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paper bearing a stamp of two rupees. Copies of miscellaneous papers are required to be written on paper bearing a stamp of eight annas, or half-rupee.

446. Is the expense of stamps a very considerable item in the costs of suits both to plaintiff and defendant?—Yes, I should imagine so, especially to the plaintiff, who pays the institution stamp.

447. How is the amount of the vakeel's fee fixed; is it upon the sum claimed by the plaintiff, or upon the sum recovered?—Upon the sum claimed.

448. Can the party in any case recover more than the amount which he claims?—I think the judgment includes the amount of interest that accrues pending the suit; but I am not sure.

449. At the institution of the suit, must he not make his full claim?—Yes, unless the case be such as to admit of successive actions.

450. Is it not frequently the case, that on the institution of a suit, a plaintiff, in order to determine the right, restricts his claim either to particular premises, or to a particular sum of money?—I do not recollect any case in which a suit was brought for a certain portion of the claim with the distinct view of settling the right; but according to my recollection, cases have frequently occurred in which the plaintiff has sued for only a part of his just demand in the first instance, intending to sue for the remainder separately if he succeeded.

451. Do you refer to cases with respect to land, or with respect to money demanded, or both?—The cases that I have in recollection had reference to money demands.

452. Then, by the law and practice of the courts in India, may a party sue for a part of his demand, and afterwards commence, having recovered that portion, a fresh suit for the remainder?—I think he may so restrict his claim in the case of a money demand, but not, I apprehend, in the case of landed property, unless the things be distinct, and the interest separate: thus, of several zemindaries held by his ancestor, a plaintiff may, I conceive, sue for one separately from the rest; but he cannot sue for a part of a zemindary.

453. May he sue for a detached part of a large estate for the purpose of establishing his right, and saving the institution fee in the first instance?—Not, I apprehend, if the estate stand in the books of the government as one held by the same title or subject to a common assessment. Thus if a zemindary or a talook, although the parts may be locally detached from each other, or consist of separate villages, a plaintiff claiming under a title applicable to the whole, cannot, I conceive, bring his action for any particular part or village.

454. If the plaintiff recover less than the amount which he claims by the suit, does he get back any part of the institution fee?—He gets back no part of the institution fee.

455. Does the vakeel, although he should recover less, receive the full amount upon the sum claimed?—Yes, upon the amount of the sum claimed.

456. Do those tables which you have produced exhibit an account of the whole of the expenses to which a suitor is subject in the courts in India, in the course of the suit?—No, I apprehend not; they include only the expenses authorized by regulation, and among those there is no allowance for a private agent of any description, although one is almost uniformly employed.

457. Is

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457. Is there not in every cause a mookhtar?—Yes, in most cases.

458. What is the mookhtar?—He is sometimes a servant of the family; some of them are hangers-on of the court.

459. Is the mookhtar or the agent different from the vakeel?—Quite different

460. Does he not give instructions to the vakeel?—He usually instructs the vakeel as to all facts to be proved or allegations made; he has the charge of the documents on which his client may rest his case, and takes the general management of the cause.

461. Are there, besides the mookhtar or agent, other expenses to which he is subject?—I am not aware of any that are necessary or that could be recognized; but I am afraid that there are charges of which we can take no cognizance, and of which it is difficult to know the amount.

462. Will you state what those charges are which you suppose to exist?—I allude to sums corruptly taken by the native officers, as stated in my former examination; and I have no doubt that the mookhtars often fraudulently charge what they do not expend.

463. Is there any officer or person in the court who taxes the costs of the different parties?—It is the duty of the sheristadar to see that they are according to regulation.

464. In addition to seeing that the costs are according to regulation, is it his business to see that they have been paid?—It is his business to see that the proper stamp is used, in so far as the law expenses are charged in the form of a stamp duty; also, that the amount of the vakeel's fees has been deposited, and its receipt acknowledged by the treasurer.

465. Is it his business to see that the expenses charged for peons and aumeens, and for the maintenance of witnesses, have been paid by the parties?—The peons are generally, I believe, paid through the nazir, the officer who superintends the execution of all processes of court.

466. Does the sheristadar ascertain, in fact, that the expenditure has been made, and that it is according to regulation?—Yes; such I conceive to be his duty.

467. How is the value of land sued for estimated in order to fix the institution fee?—In the case of land paying revenue to government, the value is taken at three times the amount of the government jumma or assessment, if it be in the provinces of Bengal, Behar, Benares, or that part of Orissa which is under the permanent settlement; if the land lie in the Ceded and Conquered Provinces, or in Cuttack, which are liable to variable assessments, the value is taken at the amount of one year's assessment; in suits for land held exempt from payment of revenue to government, the value is assumed at 18 years of computed annual rental; in other cases at the estimated worth of the thing sued for.

468. Do the duties of the vakeel include the duties both of counsel and attorney in this country?—He is expected to do all such acts as may be requisite in the court relatively to the suit until judgment be enforced; but the greater part of an attorney's duty is generally done by the mookhtar or private agent of the party, or by the party himself.

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*Holt Mackenzie,
Esq.*

469. Does the vakcel receive his instructions either from the party or from his mookhtar?—Yes.

470. Is there any official person employed to instruct him, similar to a solicitor in this country?—No such class is recognized; and though there are many who are in fact professional mookhtars in the courts, they are not legally entitled to interfere in the suits, nor is any part of their charges included in the costs adjudged to the successful party.

471. Does the vakcel in general communicate with the parties directly, or does he in general communicate through a mookhtar or agent?—In most cases, I imagine, through a mookhtar.

472. The mookhtar, or agent, is not recognized in the court as having any authority in the suit?—No; he is not allowed to appear; the party must appear, either in person or by one of the constituted vakeels of the court.

THOMAS FORTESCUE, Esq. called in and examined.

473. WERE you in the civil service of the Company for a number of years?— Yes, I was, for about 23 altogether. *T. Fortescue, Esq.*

474. Under what presidency were you employed?—In Bengal.

475. Will you state what situations you held generally; in what departments have you been employed?—Both in the revenue and the judicial.

476. How long in the revenue?—For a period of eight or nine years or more, in charge of five different collectorships, three in the Lower Provinces, and two in the Upper Provinces; secretary to three separate revenue commissions, one for the Ceded Provinces, one for the province of Cuttack, and one for the Ceded and Conquered Provinces. In the judicial department, judge and magistrate of the city of Patna, judge and magistrate of the district of Allahabad, subsequently officiating judge of the court of circuit and appeal for the division of Benares; then secretary to government in the territorial department; and lastly, civil commissioner for Delhi.

477. Will you state what, from your knowledge and experience, you consider to be the respective rights of the zemindars and the ryots, in respect to the land which they possessed under the Bengal Presidency?—It is a subject which very early interested me, and I endeavoured to acquire an insight into their respective character and relation. My belief is, founded upon the best inquiry I could make, that the ryots have certain qualified rights in the land which they cultivate; that those rights have been acknowledged by the Mahomedan government, both as to law and past practice; and that though the word ryot is a term of different significations, yet it does, with respect to a certain description under that denomination, give a determinate right.

478. Will you state what you consider to be the qualifications to which that right is subject?—The right is an hereditary right to raise the produce of the soil receiving of that produce a certain admitted portion, the remainder of which belong to the government. This opinion goes back to and is founded upon the Mahomedan law, as brought, at the period of the conquest, into Hindostan. India having been conquered by force of arms, the Mahomedans applied their law of conquest to it, which authorizes them to deal with the conquered country in different ways. For

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instance, they can make the inhabitants slaves, and carry them off; they may replace them by others; or they may leave the inhabitants on the land, and impose upon them a certain tax, denominated kheraj, or revenue. There are other modes also by which the conquerors may proceed: they may divide the country among themselves, and impose a certain demand upon those who share, which is known by another name, and amounts only to a tithe. In the instance of the law of conquest, as applied to India, it is the same as that followed in Syria and Egypt; namely, that the original inhabitants were allowed to remain on the soil, and rendered subject to the tax particularly called kheraj, which thus transferred the property absolutely from the conquerors to the conquered inhabitants. The terms made use of in the Mahomedan law, both with reference to the inhabitants and to the property in the cultivator, are terms of the most positive and definite meaning. The inhabitants are called by the term "Ukul," which means those resident upon the lands; the cultivators are styled "Rub ool uruz," or masters or owners of the soil; and the term property is denominated "Milik," importing the most indefeasible right, and they have the power of disposing of it in any way they choose. The Mahomedan lawyers, in discussing the rights over the conquered land, in no instance mention any other claims to it than those of the cultivator and the emann, or sovereign of the country; but in speaking of the rights of the cultivators, they define the proportion of the produce that is his, and that which is the emann's, or governor's, by saying, that the cultivator has a right to so much as shall secure him and his family a comfortable subsistence till the approaching harvest, together with seed for the next crop; beyond that the remainder becomes the government's. There is a person to be appointed on the part of the governor, who is to be careful to collect from the cultivators according to the above data, and who is to be paid from the public treasury; nay, further, certain enumerated descriptions of produce are said how to be taxed.

479. Do you consider that at the time of the Mogul government in India, there was any intermediate class between the government and the ryot?—Certainly; but that class was not a proprietary class, generally speaking; exceptions of course there were; that class consisted of persons who were in possession of the privilege of arranging for the realization of the revenue from these cultivators, and forwarding it to the public treasury. In many instances they got grants or immunities from the ruling power in consequence of their influence, or the utility or the necessity of their official station, or from various other causes; but they did not become proprietors over the cultivators, with power to turn them out, nor did they attain to rights over those in their holdings or zemindaries, beyond that of taking from them the government share of the produce.

480. Was there any regular proportion of the produce to which they were entitled?—The proportion of the produce was to be regulated as I have just described.

481. Was there any fixed proportion of the produce which you could say the ryots were subject to pay to government?—I should say that the demand upon the ryot was always grounded upon this: that it was never to exceed that which should leave a sufficient competency for him and his family to subsist upon, and enough to enable him to cultivate.

482. Do

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482. Do you conceive that there was in practice any class similar to that which composes the class of zemindars in India now?—In practice, as we have given interpretation to the word zemindar, certainly not; and we find that the further we travel from the lower and older provinces up to the newer, the right of the ryot becomes more and more definite and tangible.

483. Have not the zemindars of Bengal for a long time assumed to themselves the rights of proprietors?—Yes; after the promulgations at the period of the permanent settlement.

484. Do the zemindars, in practice, upon the expiration of a lease, raise the rent upon the ryots, according to what they consider the value of the land to be?—They do, most frequently.

485. How long has that been the course of practice for the zemindar to act as the proprietor of the land in Bengal?—Since the permanent settlement, his power has been allowed to be nearly absolute; that is to say, applications made by the ryots have proved most generally fruitless, for the establishment of their qualified rights; the courts have not had the means of settling the rights of the ryots, or coming to a knowledge of them.

486. What do you mean by saying that the courts have not had the means?—They have not been guided by the regulations to a knowledge or sufficient estimate of the qualified rights of the ryots, as I have stated; for a ryot is not a tenant at will, nor is he a tenant for life, nor by lease, nor by any naturally expiring term by time, nor liable to be ousted by a higher bidder, as in this country; therefore such meaning or sense cannot be described by the use of the term ryot, whose holding is superior to these; though, at the same time, he is not an absolute proprietor, for he has not the entire right to what he gets. He has a right to the soil, to raise the produce of it, and to a proportion thereof, before the government's share or remainder.

487. Is his right hereditary?—His right is hereditary.

488. Then, according to the former law of Hindostan, he could not be dispossessed?—According to the Mahomedan law, he could not be dispossessed. His possession was fixed, and his interests or rights, with those of the government, secured by law.

489. Is not the Mahomedan law very much modified in the regulations?—Not in that respect; it has never been touched.

490. Do you consider that at this moment, under the regulations, the zemindar has no right to dispossess the ryot at the expiration of his lease, and to take another ryot as his tenant?—The term lease, as used in this country, in respect to the relation between a proprietor and the inferior, does not apply in India, because the ryot is a proprietor; he objects to take a lease from one that would assume that character over him.

491. Does he take a lease?—He is often now compelled to do so for his own advantage under the regulations; his rights are overlooked.

492. So that he is, according to the law and practice as obtaining in India under the regulations, compelled to take a lease in order to insure his possession of the land?—He is not absolutely obliged to take a lease, but it is strongly encouraged,

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and it is his interest under the regulations that he should do so : there has been much change in the regulations on this point.

493. Do you consider that by the law as it now obtains in India, the zemindar has a right to raise the rent upon his tenant, and if the tenant will not pay the demand, to dispossess him?—I think by the spirit and intent of the regulations, he has not ; and certainly by the Mahomedan law he has not, if the rent he raise trench upon or go beyond the data I have given.

494. By the Mahomedan law, could the government exact a greater quantity of the produce in proportion to the improvement of the land, provided he left sufficient for the maintenance of the cultivator and his family?—Yes, the government could ; none but the government and the cultivator have a demand upon the soil.

495. Is the payment of rent in proportion to the produce, under the presidency of Bengal?—It is very much less sight of ; the government interfere little or nothing between the cultivator and the zemindar.

496. Do you consider the zemindar to have been originally the mere collector of the revenue of government?—Originally a person appointed to arrange and collect the revenue from the cultivators ; his own profits were indirectly derived from various sources. The term zemindar has often been, and is still, applied to a person neither considered to be nor claiming the whole proprietary right in his zemindary.

497. Had he no per-centage?—It does not appear that there was an exact per-centage, but there was an allowance which was tantamount thereto, called “nankar ;” “nan” meaning literally bread, or an allowance for subsistence. The persons denominated zemindars, did, many of them, possess property in a village, and whole villages too.

498. In point of fact, did he originally derive a certain profit from his situation as zemindar, out of the produce of the land?—Yes ; but distinct from and without infringing the property right in the soil and its produce, as I have described, belonging to the ryots.

499. You consider, that under the Mahomedan law, the zemindar has no proprietary right in the land?—Generally speaking, it is so ; in many instances he is a part proprietor with the rest of the cultivators, and has a village or villages cultivated by his own family or hired persons.

500. He is a participator in the produce of the land?—Yes, as I have just described.

501. You mean by the Mahomedan law, not in practice?—There is this distinction in the zemindaries ; that in Bengal the zemindar is now held to be a large proprietor of estates, whereas in other parts of the country he is but a small real sharer or proprietor in them. The name is often made use of by and to a person dealing directly or indirectly with the government for his holding ; and being the proprietor of it really, or not the proprietor, it is indiscriminately applied, without any consideration of locality, or correct notion of right.

502. Do you consider that the zemindar has not a right to raise the rent of the ryot?—He has a right to regulate his receipts from the ryots, according to the rates prevalent in the pergunnah and neighbourhood ; beyond those rates he has not ; nor beyond what shall leave him a secure subsistence.

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503. Do you consider that the law under the Mahomedan government is now modified by the regulations?—I think what I have stated was and is the Mahomedan law, and should be the just practice under the regulations. The persons termed ryots object to take leases from those placed over them by the term zemindar, because that implies a proprietor above them, whereas they consider themselves the proprietors, and it would be lowering themselves to do so; not that they dispute the right of the government to take the proportions due from them, but that they deny the right of any individual between them and the government as affecting their inherent prescriptive right of remaining upon and raising the produce of the property they cultivate. The Mahomedan law gives them liberty to dispose of that property as they choose; at all times, however, that property is subject to the demands of the government.

504. But of all that is not subject to the demands of the government they consider themselves the proprietors?—The Mahomedan law establishes their right first; it proceeds upon that principle. The instructions to their agents are to regulate their settlement with the cultivators, so as to leave them what I have described, and to bring the remainder to the public treasury; that is the Mahomedan law, and it never has been touched. I consider that the regulations have, in spirit and intent, always reserved the rights of the ryots, though they never defined them; but upon the data I have mentioned, they might build what would make the cultivators a contented and happy people, which is not now at all the case.

505. You do not conceive that there is any exact definition of the rights of the ryots by any regulation?—Certainly not; I believe also, that if the pergunnah rates for regulating the demand of the government from the ryots had, at the period of the permanent settlement, been recorded and fixed, the property of the ryots in the soil ere this would have been very valuable, and have rendered them most comfortable; such rates were recorded in some instances, and have been appealed to.

506. You think it is a defect in the permanent settlement that they did not fix and ascertain the exact rights of the ryots?—Certainly.

507. In point of practice now throughout Bengal, does not the zemindar, when he thinks that he can obtain a higher rent for his land, dispossess the ryot, and let it to a person who will give him a higher rent?—He cannot do so avowedly by aid of the regulations; but practically he can, though it is not intended that he should; the ryot is impotent, and cannot secure himself in the enjoyment of the qualified right I have endeavoured to describe.

508. Can he not maintain his right in the Zillah Court to keep possession of his land upon the terms that you have mentioned?—If the terms that I have mentioned were by the regulations acknowledged as a principle or basis which the courts might assume, he could establish his right; but there is no such data or ground given to aid or direct them; they have no points or precedents as it were set before them.

509. Do you think that there is no regulation sufficiently explicit to enable a judge to decide any case where there is a contest between the zemindar and the ryot, in favour of the ryot who chooses to maintain his possession without agreeing to an increase of rent upon the part of the zemindar?—I do not think that the regulations

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regulations generally are sufficiently clear to enable him to establish that point; some particular cases are provided for.

510. You say that the zemindar has no power by the regulations to increase his claim upon the ryot, but that he does it practically; how does he manage to do it?—The regulations have never intended that any rights which the ryots possessed should be violated; they have constantly and generally expressed that; but they have never distinctly specified what those rights are that they wished should be upheld in the person of the ryot, nor have they, in consequence of the want of that definition, given the court sufficient means of determining disputes of that kind between the two parties.

511. In point of fact, do you mean that those regulations have not been enforced in the way that they were meant to be enforced?—Yes, with respect to the ryots.

512. And that, in point of fact, the zemindar treats the ryots as a proprietor does his tenants in this country?—Yes, very nearly so.

513. Has there been any case brought into the courts in which a ryot has attempted to establish his claim?—Many; I have not myself had to do with any, but I know, from conversing with judicial officers on that point, that they have felt the impracticability of protecting the ryot, from want of any sufficient data by which to regulate their decisions.

514. In those cases where you state the zemindars come before the court, supposing the ryot to be able to establish his right, as derived from the Mogul government, and to show that the spirit of the regulations was, that that right should be preserved, would not that court listen to that right, and be likely to support it?—I think the courts would, and should be bound to uphold it.

515. Then the difference is, whether they have that right or not?—My opinion is, that the unaltered Mahomedan law gives them that right, and that if the government and the courts had gone back to look for principles to regulate their conduct, they would have found that there were only two persons, the government and the ryot; that the ryot had a certain proportion of the produce, and that the remainder was the government's. There has, in my opinion, arisen a great deal of difficulty and injustice from not following that course.

516. Supposing that it is acknowledged that there are only two classes, the government and the ryot, is it not possible that the government might transfer any portion of that right to other persons?—Certainly; but no more than its own remaining right. The Mahomedan law of conquest, and immediate practice, has already declared and settled the cultivator's rights.

517. But the zemindars, you say, exercise a greater right than the government possess?—The zemindars endeavour to become what the ryots ought to be considered as.

518. Do they act thus independently of any grant from the government?—The regulations declare them to be the zemindars or proprietors of the soil, reserving however, in the most explicit manner, the rights of all classes of cultivators.

519. By what regulations is that declared?—By the regulations of Lord Cornwallis in 1793, and also by the minutes of his Lordship recorded anterior to that.

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520. Was it a total departure, when he made those regulations, from the system which had been previously adopted?—When he formed the regulations, the government was satisfied that there were rights in the ryots, but what they were they knew not precisely. If they had adverted to the Mahomedan law of conquest, and its application to India, they would have found, in my judgment, a basis upon which to build.

521. Do not you consider that those regulations of Lord Cornwallis were settled, after considerable deliberation and inquiry, by persons who had knowledge upon those subjects?—Certainly, very great; but at this moment there are as many, and perhaps more, who upon research are disposed to favour the rights of the ryots, and to consider that the zemindars have none such as the regulations now give them.

522. Is it not a point upon which there is a very great division of opinion in India, the respective rights of the zemindar and the ryot?—Yes; but not so great as formerly, I believe.

523. Among persons well informed upon the subject?—Quite so.

524. You say that the spirit of the regulations has not been acted up to in that respect?—I think so.

525. You say that the spirit of the regulations has not been acted up to, therefore you suppose the spirit of those regulations to have been of that description as to acknowledge the right to be solely and simply in the ryot; but does that appear to be the case?—No.

526. Therefore the spirit of the regulations is not such as you have described?—What I mean is, that the intention of those who made the regulations, and of the regulations, was, when they constituted the zemindars such as they did, that the ryot's rights, undefined as they were, though evidently believed to exist, should be upheld; and that by the Mahomedan law and practice the ryot was entitled to possession, and such portion of the produce as would make him comfortable and easy, and secure the cultivation of the land, which is a right superior to most tenures. The spirit of the regulations does not go so far as the question implies; for if so, it is presumable they would have done more than guard by declaration that (the ryot's rights) of which they possessed not the requisite knowledge to describe minutely.

527. Supposing he neglected to cultivate the soil, what course would government take?—That is provided for by the Mahomedan law, which says with regard to it, that if a man does not cultivate, the governor or some person on his part shall, if he is unable to cultivate, advance him the means of so doing. If he neglects to cultivate, or abandons the soil, still the government have a demand upon him; and why? because he had the power of giving or lending it or hiring the land to whom he chose; and being therefore the proprietor, he is still liable to the claim of the governor.

528. Do you consider that the hereditary right of the ryot has been rejected, or in fact altogether done away by the regulations passed by Lord Cornwallis in 1793?—I think by the practical operation of the regulations they have been nearly effaced, except in some special cases provided for. Travelling to the Upper Provinces from the Lower, those rights are found to be much more respected and clear,

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clear, particularly so in Bundelkhand and Delhi; in short, where the government have least interfered, there the rights of the ryots are more marked in the soil.

529. You do not consider that by those regulations of Lord Cornwallis the hereditary right of the ryots has been all extinguished?—No; there are particular instances in which that has been the case.

530. Are there particular parts of India in which that hereditary right is acknowledged more than in others?—Very greatly: passing from Bengal upwards into the Ceded and Conquered Provinces and Delhi, it is more distinctly marked.

531. Do you think that the judges in those provinces would decide in favour of the hereditary right of the ryot, if it came in question?—Distinctly so in many parts; I would not say in all.

532. And in the lower parts of Bengal the rights of the ryot have been put a stop to?—Almost, with certain exceptions.

533. And the zemindar possesses the same power with reference to his estate, that the proprietor in this country does?—Yes; very nearly so practically.

Jovis, 9^o die Aprilis, 1832.

The Right Hon. ROBERT GRANT in the Chair.

JAMES O. OLDHAM, Esq. called in and examined.

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*James O. Oldham,
Esq.*

534. WILL you state in what capacity you have served in India?—I was Collector of land revenue in the Ceded and Conquered Provinces; and after that, Zillah Judge of Moradabad; and last of all, Judge of Circuit at Bareilly.

535. When did you go to India?—In 1798 I went, and in 1823 I left it.

536. Were you employed in the administration of the police?—I had the charge of the zillah of Moradabad; the police of zillah was entirely under me and my assistant for seven years.

537. Have you turned your attention to the question how far it would be possible and expedient to employ natives more extensively than at present in the administration of justice in India, and if so, be pleased to state the result of your consideration upon that subject?—I do not think that the employment of natives to a greater extent would be attended with any beneficial result in the police. I think the further the native police officer is from the European superintendent the more likely he is to abuse his office. That perhaps some of the situations are not sufficiently well paid. I think that many of the police situations are not paid agreeably to the responsibility. If you put men, whether Europeans or natives, in situations of great responsibility, the pay should in some measure correspond. I think that the jurisdictions are, generally speaking, too extensive for one European; that they should be subdivided; and young men, as soon as ever they go out almost, who, under other circumstances, would be hunting and shooting, and idling their time, if employed, and feeling a responsibility, would become valuable servants

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servants within a year or two after they went out. I think that the whole of those who are now detained in Calcutta doing nothing should be sent up to the different zillahs, and immediately employed under the collectors or judges, where they would gain a knowledge of the languages, and of the customs and habits of the people by intercourse with them. Prior to their being nominated to any situations of trust, where they had any great responsibility in themselves, they might be examined as to their knowledge of the languages, &c. But they might be very useful long before that, when they are employed under an active watchful magistrate or collector, who will know exactly how far to avail himself of their qualifications for the public service. And I would not have the judge or collector bound by any law to employ them in any particular manner, but leave it to his discretion, agreeably to the ability and the assiduity which he may discover in them.

538. Having said that some of the situations in the police are not sufficiently well paid, do you mean that they are not sufficiently well paid to induce the more respectable class of natives to become candidates for such offices?—I do; or at least if they become candidates, it is with an intention of peculating.

539. Should you make the same remark as to the employment of natives in judicial situations?—Yes, I should certainly, but particularly the Mahomedan law officers, who sit with the judges of circuit in court, and give their decision whether the fact is proved or not, as a jury do in England. Those officers have 200 rupees a month, and when on circuit, are probably obliged to spend 150 of it; and should they lose their situations they may starve, for there is no such thing as a pension for them to retire upon. Now, those men might be pensioned without any material sacrifice by the government, after a fixed period of service, because of their age, being usually upwards of 50 years of age before they get those situations, and they are not a long-lived race.

540. Do you mean to say generally that the judicial situations occupied by natives at present are not sufficiently remunerated?—Yes, I do. I have pointed out the law officers of the courts of circuit, and I may add to them those of the zillah courts.

541. Can you give some general idea of the scales of emolument; are they not matters of regulation?—No, I think they vary, and are fixed by government, on special representations. I dare say I am not inaccurate in stating that the law officers of the courts of circuit have 200 rupees a month; that the law officers of the zillah courts have 80 and 100: but then, again, the law officers of the zillah courts have a stated allowance upon their decisions; they decide causes to a certain extent.

542. By the law officers, you mean the Hindoo pundit, and the Mahomedan cauzee or moolavie?—Yes.

543. Are their salaries pretty much upon the same scale?—The law officers in the court of circuit are all Mahomedans, there are no Hindoos. There is a pundit belonging to the court, who merely answers questions as to law in the court of appeal. The same judges sit in both courts; no pundit accompanies the circuit, therefore when an opinion on Hindoo law might be required, reference would be made by post to the sudder station, or the opinion of the zillah pundit taken.

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544. In the court of appeal, which is composed of the same judges as the court of circuit, is there not for the trial of appeals in civil cases a Hindoo pundit attending on the judges?—Yes, in civil cases, but he has not a seat in court the same as the Mussulman law officer has, but he is in an apartment in the same building, and questions on Hindoo law are sent to him in writing, and his answer forms part of the record of the civil case.

545. Then the Committee are to understand that the Hindoo law officer forms no part of the attendants on the court of circuit?—No, certainly not; he remains at the sudder station, while the judges make the circuit. But any question on Hindoo law that requires an answer is referred to him, or the zillah pundit. The criminal law is Mahomedan.

546. The civil cases are not tried on appeal upon the circuit at all?—Oh no; the circuit is for the gaol delivery.

547. Will you state more fully your ideas as to the mode of training young writers in India to be employed in judicial situations?—I would, in the first place, insist upon their being with the judge of the zillah in court during the hours that he sits daily, for at least, we will say, the first twelve months, or with the collector, it would be just the same thing if the collector is making a settlement, by which he will get more practical information in twelve months than he would in ten years at a college in Calcutta, or any where else. By a settlement, I mean assessing the revenue of government on the land, which yet remains to be done in the Ceded and Conquered Provinces. I consider that the collectors so employed have a most laborious duty; that young men, if sent immediately up to them, instead of being kept at the College, might very soon be made useful, and certainly, as I have said before, would learn more in twelve months than they would in ten years elsewhere.

548. But with respect to the other provinces, what would you say?—I think the plan would succeed in every province of the British Empire.

549. It is understood that the education at the colleges in India is confined to the instruction of the native language?—Yes. Such was the case in 1801.

550. Do you think that there would be any use in having a system by which some of the general principles of law should be communicated to the young men who are to practise judicially?—Our courts are more courts of equity than law, and the less of law the better, I should think, generally speaking. I think if a man has the opportunity of gaining a general knowledge, it might be certainly of great benefit to him to attend public courts any where, either in this country or Calcutta, or any where else; and am of opinion, with regard to the native community, that the less of law and the more of equity they have the better.

551. What age would you have them go out, generally speaking?—I think about 18, not before.

552. And should you conceive that their education, previously to their going out, should be of a general nature?—Yes.

553. Not directed to any particular department which it was supposed they might pursue in India?—They have opportunities of hearing, I believe, lectures on jurisprudence, of attending and getting information on every subject at the College in England.

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554. From your observation, should you say that the young men employed in judicial situations are competently instructed?—I answer to that (it is a general question), I have met with many young men that I should say were extremely well qualified; there may be exceptions.

555. You do not think there is any such deficiency as requires particularly to be provided for?—No, I certainly do not; and particularly the young men who go out in the present day; perhaps many years back there was some lamentable deficiency.

556. Do you think the College at Haileybury has answered a good purpose in that respect?—Oh, certainly, as far as regards general knowledge.

557. Do you not think that a young man having received a liberal education, and among other things, having been versed in the general principles of jurisprudence, would be more fit to enter upon a judicial function in India, than a person who had not the advantage of that education?—I certainly must admit that, inasmuch as all knowledge enlarges the mind.

558. But in general, perhaps, you think that the time which would be devoted to this sort of previous education might be better employed in obtaining a practical acquaintance with the manners and customs of the natives?—Yes.

559. But could he not obtain that after having gone through a certain degree of study of the principles of jurisprudence in this country?—There is nothing to prevent that, certainly.

560. Do you think that by those means his entering upon service would be protracted to any inconvenient period with respect to acquiring the language by his remaining in this country for the purpose that has been mentioned?—Perhaps not, supposing him to go out at 19 or 20, instead of 18.

561. Or 21?—No; we are getting on too much then; 19 or 20 perhaps.

562. You would not recommend any young man going out to India for the civil service, either judicial or revenue, to go out at a later age than 20?—I think not; from 18 to 20, I should say.

563. You say that on the ground, that past that time the language is not so easily acquired?—Yes; and that before that time their minds cannot have been sufficiently cultivated.

564. Do you think that the language is better acquired before or after 20, generally speaking?—Oh, decidedly before.

565. Should you say that from experience?—Yes, certainly. I have in my eye now several young men who came out very young, and who made such proficiency, that those who were a few years older felt a good deal ashamed and annoyed at being classed with them, although these were men perhaps of better sense and judgment than these lads, but had not the quality of attaining the language.

566. In speaking of the employment of natives in the courts of justice, do you think that it would be possible to employ them to judge alone, or must it be under the supervision and with the assistance of Europeans?—We dare not trust them alone.

567. Do you think that by giving the suitor an appeal from the judgment of the native judge, the native judge might not be trusted?—He is already trusted in a measure now, I think to the extent of 100 rupees. An appeal lies from the decision

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of the moonsif to the judge, and the judge either decides it himself, or again refers it to his registrar or to the sudder aumeens.

568. The sudder aumeen is a superior officer to the moonsif, is he not?—Yes; the sudder aumeen remains at the principal station; it is a situation that the moonsifs look up to. The aumeen has a better salary, and tries original suits to a greater amount than the moonsif, upon which he has a percentage.

569. In practice, did you find there were many appeals from decisions of native judges in these cases of small amount?—I think the decisions of here and there one or two of the moonsifs were uncommonly good; of those whom I had to look after.

570. Those that were appealed?—Yes. Although the judge usually makes them over to the sudder aumeen or to his registrar, yet he should occasionally take up a few from each to see in what manner they get through their business. Considering them as well educated for natives, they are sure to know almost on which side right and wrong lays, being on or near the spot where the cause of the action arises, and knowing the customs: if honest, they would be almost invaluable.

571. If they could be trusted they would make the very best judges, would they not?—I think undoubtedly they would, because they are not wanting in ability; but then the acutest are in general the most corrupt.

572. Do you think there is no hope, by establishing better pay, of trusting them more than at present, by giving them a sense of responsibility, and possibly by courting something more of the public opinion of the country than there is at present, that they should be improved for the purpose of the administration of justice?—Yes, I do think that selections might be made from among them, I would say from amongst the Mahomedans.

573. Why do you draw a distinction in favour of the Mahomedans?—I can only speak from my own observation of those who have been under me, and I have found them more trust-worthy than the Hindoos.

574. With this opinion, do you think it possible that the native Mussulmen might be more employed in the administration of the criminal law of India?—I think a selection might be made here and there, which would have a very happy effect; in which case, the individual selected should be entitled to a pension after a fixed term of years of approved service. This provision for old age might be the means of ensuring honesty in the conduct of many whose principles might otherwise not have been proof against temptation.

575. Do you conceive that the employment of natives in judicial stations, either civil or criminal, would attract the confidence of the natives themselves, if they were not liable to the supervision of Europeans?—No; I do not think a native could trust a native; I should say, certainly, generally speaking, that they would prefer an European jurisdiction.

576. Should you say generally, that among the natives there is a want of regard to character?—Oh, most decidedly.

577. Is there any hope that that will be remedied, or in what way is that to be hoped?—The state of feeling among the natives affords little hope of so desirable a change.

578. There

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578. There has been an idea started, that an increased employment of the natives, and showing them more confidence, would have the effect of reducing the qualities for which credit is given to them?—In a certain degree I should think it might have a beneficial effect. Although they might receive a higher pay, and be put into situations of greater trust, yet I would not remove them far from European superintendence.

579. Do you think it would be safe or politic to employ the natives as justices of the peace in India?—By no means.

580. From what cause do you think it would be unsafe or impolitic?—That they would abuse the trust, and make it a source of emolument to themselves, and that in such a manner that it could not be easy to detect them, for they would not absolutely seize on a man's person, but they would let that man know that he may be called before the police unless such sums were paid, and let him know it in such a way that it could not be traced out; and the very circumstance of a native of any rank being called before the police is a disgrace; it is considered so among themselves. But what I am saying now refers entirely to the Ceded and Conquered Provinces; it may not be the case to that extent about Calcutta or in Bengal generally. But the last 17 years that I was in India I was in the Ceded and Conquered Provinces, and am speaking only of those provinces.

581. Do you mean that your answers generally have reference to those provinces?—I should say all, except to such questions as have been put to me regarding European writers and so on. I give no opinion as to Bengal, Behar, or even Benares.

582. Should you suppose if Europeans were to enter the country in greater numbers, either as residents or settlers, that means could be found for any system of justice adapted to that state of things?—The present jurisdictions there must be reduced greatly; jurisdictions might be made of perhaps one-fourth of the present extent if there were European settlers.

583. The extent of country you mean?—Yes, the extent of country, supposing the zillahs now to be of as great extent as they formerly were, having myself had charge of zillahs of 140 miles and upwards in length.

584. Would that change involve the increase of the number of European judges of all kinds, or European justices of peace?—Why, yes, I think it must, for a young man of three or four and twenty could scarcely be trusted, I think, in such a jurisdiction where Europeans would have to come before him.

585. Do you think that in any case Europeans could be safely made subject to the jurisdiction of a native judge?—I should be very sorry to see it; I do not think that a native judge, generally speaking, would have firmness sufficient to act in that capacity where Europeans were concerned; and if he had, then on the other side of the question, I think it would have a bad effect.

586. In what way?—It would serve to depreciate the character of the Europeans in the estimation of the natives. I am now talking of the Ceded and Conquered Provinces. There are no Europeans there but the Company's civil and military officers, except perhaps here and there half-a-dozen camp followers, who are treated as sutlers of the camp.

587. Are

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587. Are there no indigo planters there?—There was not one in either of the districts I had charge of; there was not an European indigo planter in them all. I believe that there might have been one or two after I left.

588. Does your objection to the employment of native judges apply to the police as well as to the civil and criminal law?—Certainly, to both branches.

589. Then, in point of fact, the administration of justice would be much more expensive in case of the introduction of European settlers and increased numbers?—Undoubtedly; to say double would be short of the consequent increase.

590. Do you think there must be a very great change in the state of feeling of the natives and of the Europeans, before the native agency can be employed as judges where Europeans are suitors, or where they are the persons tried?—Certainly, that is what I think.

591. Do you think that natives, in civil cases between natives, might be employed to a very considerable extent in point of amount, liable to the supervision of a European judge?—Perhaps the amount might be increased, that is, the sudder aumeen might decide to a greater amount, and I say that, because they are immediately under the personal observation of the judge himself, and if there was any great rascality going forward in the way of bribery, it must come to the knowledge of the judge through some of the people about, before it went to any great extent. Now, those who are employed at a great distance I should be loth to trust.

592. Then, generally, you think that even the presence of the European judge, or at least his vicinity, is of some importance?—No doubt, if he is a man who does his duty well, as I hope I may say the greater part of those with whom I was acquainted did; yet there may be exceptions.

593. Do you think very low natives could be employed to discharge properly the function of juries in either civil or criminal matters?—I have answered that question already in my letter to Mr. Villiers of the 28th of October 1831, and I beg to give that as my answer: "With regard to the employment of native juries, punchayets and assessors in civil or criminal trials, I am most decidedly of opinion, that the measure would be attended with great evil; the influence and authority of the zemindar is such, that individuals could not be met with sufficiently independent to give a just decision; when that decision should be at variance with the zemindar's interest. This I mean generally. The inhabitants of cities and large towns would form exceptions, but even from them I should not expect impartiality."

594. Do you think that for the purpose of forming a jury on circuit, the neighbouring towns could supply a sufficient number of persons to be jurors?—I think that men of sufficient ability may be found who, if not at all acquainted with the parties at issue, might give a just verdict; but corruption is so widely extended amongst them that the prisoners or their friends would, by some means, influence the jurors. Being therefore not independent men, their decisions could not be relied on.

595. When you speak of the influence and authority of the zemindar, will you explain to the Committee why that should prevail in all the ordinary cases that might be supposed to occur between individuals with respect to their private affairs,

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or in criminal matters?—I would say, in nine instances out of ten of the cases that occur out in the villages, the zemindar has an interest one way or the other. Of the zemindar's authority and influence I will give you one instance, in a case that occurred to me. A murder had taken place in the district of Moradabad, about forty miles from Moradabad. The thannadar, as is usual in those cases, proceeded to the spot to make an inquest on the body, and to inquire for witnesses of the fact: he took the evidence of one witness, who deposed he was present at the time the murder was committed, relating circumstantially the number of sword wounds given, the distance he stood from the deceased, &c. I mean merely to state that the most minute particulars were given by this man as an eye-witness; the man was summoned before me as a magistrate, for his evidence to be taken again. The man's name, as usual, was asked; he gave his name correctly. His father's name was asked; he gave that correctly. He went through the whole circumstances *verbatim*, as reported before the thannadar; but when I began to ask him a little more, and cross-questioned him a little, he lost himself quite, and seeing that I suspected there was something that there should not be, and followed it up, the man having no answer to give, at last said, "The whole of the evidence I have given is by order of the zemindar. I am not the real witness, but am come to personate him by the zemindar's orders." "Well," I said, "don't you know you are liable to seven years' transportation for a thing of this kind? here you are taking a man's life away by swearing this." To which he said, "What can I do? the zemindar told me to do it." Now, when matters are in that state, would you have a jury of such men?

596. Would that be at all a just sample of the feelings of men of that class?—I have no doubt but what there are numerous other instances of it; and I have no doubt that a large proportion of those men acting or immediately near their zemindar, and depending upon him for their food, &c. would in that manner personate any body else at the instigation of the zemindar.

597. Do you think the authority of the zemindar capable of suborning persons to act in that manner?—I do not much doubt that, whenever their interest is materially concerned. I think at that time Mr. Ross was the circuit judge, and when he came round (I was then magistrate), he sentenced the man to six or seven years' imprisonment for it.

598. The man who had sworn?—Yes.

599. In the criminal courts, the moolavie, or Mahomedan law officer, hears all the evidence, does he not?—Yes, he does in the court of circuit.

600. And does he find the fact?—Yes, he does; he says "guilty," or "not guilty."

601. Does that finding or verdict of the Mahomedan law officer include both law and fact?—The *futwah* of the law officer declares whether or not the fact is proved, and states what the Mahomedan law may be; but the judge decrees the punishment according to the regulations of government, substituting imprisonment and stripes with the corah, for the sanguinary awards of amputating limbs, &c.

602. Upon a charge of murder, does the moolavie find the verdict of "guilty," or does he find specially the fact?—No; "guilty," or "not guilty." As soon as ever the whole of the evidence is taken, the judge makes it over to the moolavie for his

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his futwah, which is his decision of whether the fact is proved, and how far perhaps the whole may not be. Sometimes, if the judge agrees with him, and it falls short of death or transportation for life, the judge records his opinion, sentence is carried into execution; if the judge disagrees with him, then the whole trial goes down to the sudder nizamat. But if the law officer finds that the fact is not proved, the prisoner is released immediately, unless indeed the judge, as an extraordinary circumstance, sees there is something improper, and takes on himself the responsibility of sending it down; but generally speaking, the prisoner is released immediately.

603. Now, supposing the charge is murder, and the facts given in evidence do not support that charge, is the verdict of the Mahomedan law officer confined to finding the facts not proved, or may he go on and say, that the facts do not amount to murder?—Certainly, he may say “homicide.”

604. He may say it does not amount to murder, but to a lesser description of crime; “homicide?”—Yes.

605. If the Mahomedan law officer finds the prisoner guilty, the judge must either pronounce sentence, or he must refer the whole matter to the sudder, must he not?—If he finds him guilty, yes; if it is a minor offence, anything short of transportation or death.

606. He has no power to reverse the verdict, or futwah as they call it?—Oh, no. I have never met with but one man who would write his futwah and give his judgment without trying first indirectly to obtain the opinion of the European judge.

607. Do you think that that feeling would operate full as strongly, if not more so, if there were juries in civil or criminal cases?—Decidedly so, if they were neither under the influence of the zemindar, nor biassed by their own interest in favour of either party.

608. When you speak of the law officer attempting to ascertain your opinion before he gave his own, do you suppose that that was owing to a distrust of his own judgment, or a desire to win your favour?—No distrust of his own judgment; certainly not.

609. Purely a desire to win your favour?—Exactly so.

610. But when, as of course you resisted that attempt and compelled them to decide, could you trust their judgment?—Certainly; and I have met with one man, as I mentioned before, who never tried to ascertain the opinion of a judge, but gave his opinion.

611. Does the judge put the questions in general to the witnesses?—The native sheristadah or moonshee, who writes the examinations, puts the usual preliminary questions, and will continue to go on until the judge takes it up himself, and puts questions: and perhaps in little thefts, and matters of that kind, the judge will let the sheristadah go on, as a matter of course, with a great deal of it; but in matters of moment the judge will take it up sooner.

612. Does the law officer put questions?—The law officer is at liberty to do it, and perhaps occasionally may, but it is seldom that he does; the law officer is at liberty certainly by the regulations to do it.

613. Does he suggest questions?—I think he rather suggests than puts them.

614. Now after the judge has taken up the examination, does the sheristadah afterwards interfere at all in the examination?—The judge, when he leaves off, will

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will sometimes say, go on, and ask as to such a question; sometimes the examinations are so very voluminous, and some of the evidences very material, and others not so.

615. Is the whole taken in writing in civil as well as criminal cases; are the whole proceedings taken down in writing?—Why, with regard to civil cases, the vakeels, who are the counsel, do not plead *viva voce*, they give in their plaint and answer, reply and rejoinder. They bring it written into court, so many days being given between the receipt of each for them to answer. The evidence of the witnesses is also taken by the sheristadah in presence of the vakeels, and signed by the counsel on either side. If they were only signed by the counsel on the side of the plaintiff or the defendant, there might be a doubt about their being admitted by the other party, and therefore they are signed by both.

616. But, pray, are the vakeels of either party not heard on matters that occur during the pendency of the cause from time to time, what we should call interlocutory matters?—I cannot say they are not heard, but they do not plead in the manner they do at the bar here: they may find occasion sometimes for an observation, but not at any length.

617. No presenting a petition, for instance, to the judge?—Undoubtedly they may, and do present petitions constantly. After the answer has been given, the reply or the rejoinder, something may have escaped them, and then they will give in a petition, requesting that evidence may be taken on that point, so as it is given in before it comes to the hearing.

618. And they may be heard *viva voce* on the merits of that petition?—No, not heard *viva voce*, if it is given in beforehand in that manner; but occasionally during the trial they will be heard to a certain extent, if they have anything to bring forward in proof that the proceedings are at variance with the code of Indian laws.

619. Anything to show the proceedings are at variance with the regulations?—Yes, anything to that effect.

620. Are they heard willingly by the judge when they apply to be heard upon those particular points?—I have never been in any other man's court than my own, and therefore I can only speak to what I have done myself as judge of circuit or appeal. I do not recollect any complaint of that nature against the zillah judges.

621. You heard no complaint about their being prevented addressing the court on any point that was thought necessary?—No, it is not customary for them to address the court, but I have never heard any complaints of their being prevented.

Jovis, 12^o die Aprilis, 1832.

The Right Hon. ROBERT GRANT in the Chair.

IV.

JUDICIAL.

The Honourable WILLIAM LESLIE MELVILLE called in and examined.

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622. To what department do you belong?—The Bengal Civil department.

623. In what capacity did you serve?—I was for a short time in the Commercial and Salt departments, and I have been occasionally employed in the Revenue, and in some degree in the Political department, but I have served principally in the Judicial line.

624. In what judicial situation were you?—I served as Registrar in different districts; and in the year 1817 a rebellion broke out in the district of Kuttack, and I was employed with others in endeavouring to restore order in that province. I was afterwards Judge and Magistrate of the district of Ghazee-pore, and I subsequently officiated as Judge in the court of appeal and circuit of Moorshedabad; and before leaving India in 1830, I was Commissioner of Circuit under the new arrangements at Bareilly, for one year.

625. Has it occurred to you that the judicial system, as administered by the Company's court, is susceptible of any improvements; and if so, name them?—The administration of criminal law seems to me much more satisfactory and perfect than the administration of civil justice. It is efficient in declaring punishment, in trying offenders, and more particularly in securing the innocent; but I am of opinion that the trial of offenders was better conducted under the courts of circuit than under the establishment recently created of resident commissioners. Some of the reasons for this opinion I stated in what is technically termed a Circuit Report, or Report written at the conclusion of a half-yearly sessions for Bareilly, and dated in October 1830, at the time I filled the office of commissioner there. I am further of opinion that the variety of characters and of views prevailing among the successive judges of circuit, with jurisdiction over an extensive range of country, freed them from local bias, while it tended to keep the whole of the subordinate district establishment alive and active. On the other hand, the more limited and local jurisdiction of the commissioners contributes, I think, to narrow and dull what falls within reach of their influence. Much immediate inconvenience has been occasioned too by suddenly placing officers whose lives had been passed in the revenue department, to preside in courts of circuit and regulate the conduct of experienced magistrates. The administration of criminal law under the system devised by Lord Cornwallis, has always appeared to me, as well as to other much more competent judges with whom I have communicated, to be the most successful part of our administration. Our civil courts are less successful, principally, I suppose, because the transactions coming before them for investigation are, as in other countries, much more difficult and complicated. Two or three circumstances appear to me to have contributed also to

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render the civil courts less efficient than the criminal; -one is the absence of check over inferior courts, from the want of a sufficiently rapid decision of appeals. The case of a criminal must be decided in a few months, and any error of the judge is promptly rectified by his superior; but a civil trial, however erroneous the decision, generally lies over for years untouched, and before it is examined the subordinate judge who has decided it is removed, the interest is passed, and the dry correction of the error is inserted in a fresh decree. In criminal trials, again, the highest court (or *nizamut adawlut*) holds English proceedings, and records in that language its opinion upon the case, pointing out any particular error committed in the conduct of the trial; while in civil suits there is generally no such powerful check. It must be admitted, too, that the constitution of the courts of appeal, and the perpetual liability of the judges to be interrupted in the middle of the civil causes before them by the return of the period for making the circuit, very much impeded and injured the transaction of civil business, and tended to throw much indirect power into the hands of the native officers. Much attention has been paid to the maintenance of proper tribunals and the use of effective processes, and many sound and right decisions are certainly given; and yet I am afraid we have failed considerably in giving a prompt restitution of things unjustly taken away or withheld. There seems to me a particular deficiency in the simple, distinct, uniform and constant recognition of rights, and in the effective enforcement of them: the rules, principles and precedents which should guide our decisions are not sufficiently adhered to; a succession of judges in the same court or in appeal take different views and pass a variety of orders; the case swells and too often exhibits a mere mass of confusion, from which it is no easy task to select the materials necessary for arriving at a correct conclusion. There are scarcely any laws, correctly so speaking, defining rights; we are obliged to frame our decisions either with reference to general principles or to the decisions of the *sudder dewanny adawlut*, or chief civil court, five or six volumes of whose reports have been published. I should conceive that they compose a valuable foundation on which a system of law might now be commenced. The recent arrangement, which will draw many valuable officers from all concern in the administration of civil business, to employ them as commissioners of revenue and circuit, seems to me to have further tended to deteriorate the administration of civil justice; but so lately as November last I understand that a civil court has been established in the western provinces. The measure appears to be a very judicious one, but I am not yet informed of the details. Perhaps I may be allowed to recall attention to an observation of the late Sir T. Munro, that the constitution, by which I understand the system of administering law and collecting revenue, should not be altered in India without authority from England: although in many respects the Indian government cannot be left too free to act on its own responsibility, yet I incline to think that such changes as these should only be undertaken after that deliberate and cautious inquiry, and with that prospect of stability which a full and anxious discussion has so great a tendency to promote.

626. You have alluded to the employment of natives in the judicial administration; do you conceive that they might be more extensively employed than at present, or that any arrangement might be made so as to render such

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a change of system efficient with respect to the administration of civil justice?—I observe that by a recent alteration in November last, the powers of the moonsiffs are considerably increased. I am generally favourable to the extension of the power of the moonsiffs, but in regard to the exact mode in which the recent change will operate, I am not yet sufficiently informed of the details to be able to judge.

627. Is there less complication in pleading in criminal causes than in civil, in your courts?—Pleading in criminal causes we have none.

628. Are your proceedings *ore tenus*?—Entirely; there is simply a charge inserted in the calendar, and that charge comes to trial without any pleadings.

629. In civil causes are your pleadings conducted in Persian?—They are.

630. Do you think that a desirable system, being in a language foreign to all parties, plaintiff, defendant and witnesses?—It is at the same time generally and familiarly studied by every native of education or rank in India. I have never paid any particular attention to the point myself; but partly from its having been so long and generally employed, and partly owing to the structure of the language, I believe it is found a more convenient and shorter mode of expressing evidence than the other native language of India.

631. Should you think the gradual substitution of English advisable?—The gradual substitution of English I should certainly think very desirable, but it must be very gradual. Our Bengal provinces are not at present prepared for such a change.

632. What is your opinion as to the substitution of the language of the country in which the court may be held, instead of a foreign one, such as Persian is in most parts of India?—I am not aware that much practical inconvenience is experienced from conducting the pleadings and from writing the evidence in Persian; some facilities exist, for the reasons I have already assigned.

633. Is an interpreter employed?—No; in point of fact, ordinarily speaking, the evidence which is delivered in the vernacular language, whatever it may be, of the witnesses, is seldom written down in that language, but it is translated into Persian by the writer, as he goes along. The confessions of prisoners, by a special order, must be taken down in the language in which they are delivered.

634. What means has the prisoner of checking the evidence taken down in a language he does not understand?—Certainly not much; it is the duty of the presiding judge to take care of that.

635. Do the prisoners commonly employ vakeels or agents of any kind to conduct their defence?—No; I do not recollect any instance of that kind.

636. Is the evidence, when taken down in Persian, ever read over afterwards, or translated and read over to the prisoner?—He hears it when it is delivered, and if any question arises regarding it, of course it would be translated and read over to him.

637. But it is not the common practice to do so?—It is not the common practice to read it over in the language in which it was delivered, after it has been taken down.

638. In what language is the judgment delivered in criminal cases?—The judgment is delivered, in fact, by the issue of a warrant; an intimation is given which

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which is written in three languages, English, Persian, and the language of the country.

639. Is the judgment written down?—The warrant is issued by the judge holding the circuit in those three languages, in the heavier class of offences; and intimation is given accordingly to the prisoner of the punishment to which he is sentenced, in his own language.

640. How is it in the lighter cases, misdemeanors for instance?—The magistrate intimates, in the prisoner's own language, the sentence passed on him.

641. Is that sentence formally reduced into Persian also?—The sentence is also reduced into Persian, although no warrant is issued. By a recent rule, a copy of the sentence passed on each prisoner is furnished to him, in consequence of some mistake having occurred.

642. Is that copy in his language?—It is in the vernacular language.

643. Does the judge who tries the prisoner commonly understand the Persian, in which the evidence is taken down?—I should suppose so.

644. Those judges are at the present moment commissioners of revenue, are they not?—I am not quite sure; I think I have heard that in the western provinces the office of commissioner of circuit and commissioner of revenue had been separated very recently, the duties being found too laborious.

645. How was it at the time when you were in India?—At the time I was in India I held the office of commissioner of both revenue and circuit.

646. Is a prisoner allowed to cross-examine a witness?—Certainly.

647. Is the evidence always delivered within the hearing of the judge in criminal trials?—In the heavier class of offences, in trials before the court of circuit, the evidence is always delivered in the hearing of the judge. In misdemeanors and the smaller offences, the evidence is taken down in the presence of the judge; but the cases are so numerous that it is found impracticable that he should superintend taking down the evidence in each separate trial. The parties, witnesses and prisoners, therefore, are brought up before the magistrate after the evidence has been taken down, and such questions as may be necessary to verify the examination and elucidate the case are then asked by the magistrate. The evidence which is taken down in Persian, is read over in Persian to the magistrate.

648. In the case of a prisoner wishing to cross-examine, does he cross-examine the witness in the presence of the judge, or does he cross-examine him in a corner of the room where the evidence is taken down?—More usually while the evidence is being given in court.

649. Do all the witnesses constantly attend before the magistrate at the time the evidence is read over?—Uniformly.

650. But then the evidence is read over in the language which they do not probably understand?—Certainly; and that is the object of the questions put by the magistrate, to verify the evidence.

651. Is the evidence taken down in the language of the witness, or only in Persian?—Only in the Persian; but in the province of Bengal I think it is occasionally taken down in Bengalee.

652. And is that Bengalee in writing turned into Persian by any officer of the court?—It is. It was found, to the best of my recollection, that those local dialects were

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were so numerous that there was considerable difficulty in understanding them. In the serious trials which were referred to the court of nizamat adawlut, or superior criminal court in Calcutta, circular instructions were issued directing that all evidence or depositions not taken down in Persian should be accompanied by a translation into Persian.

653. Is not the Bengalee the language of a great nation?—It is; but on the borders there is a different dialect.

654. Is not Bengalee the language of many millions?—I should think so, certainly.

655. Is it not the only language in general which those millions speak?—The much larger proportion in every village of Bengal understand nothing except Bengalee.

656. But rarely any that understand Persian?—No. In any considerable town there are always two or three schools for Persian.

657. What class of cases would those be in which the evidence was not taken down within the hearing of the magistrate?—Misdemeanors principally, and occasionally cases of petty theft; the magistrate is occasionally empowered to sentence to two years' imprisonment for certain offences. In these the evidence is taken under the magistrate's superintendence.

658. Is it not so universally?—I can only speak of my own practice.

659. In your own practice were those cases always taken in your own hearing?—Generally, I should say, the evidence was taken in my presence.

660. How often are the assizes for the trial of crimes of a graver description held?—The rule is that the sessions should be held half-yearly, but sometimes owing to various causes much longer intervals elapse.

661. What is the longest interval that you have known to have elapsed?—I think, in some of the trials that came before me at the sessions that were held immediately before I left India in 1830, some of the cases had lain over for 18 months, and I rather believe there were a few which had remained untried for nearly two years.

662. How frequently had the sessions been held within those two years?—There have been one or two sessions, and the one in which I was engaged occupied several months.

663. Then there is not a complete gaol delivery at each sessions?—The particular cases I have referred to occurred on the introduction of a new system and a new tribunal; and thus, I suppose, some delay and embarrassment arose.

664. Previous to the introduction of a new species of tribunal there was a complete gaol delivery each sessions?—Certainly; complete in the ordinary acceptation of the term, the cases of all the prisoners committed were disposed of unless special reasons occurred for postponing the trial.

665. Is the punishment of death frequently awarded in India?—Much more rarely than in England.

666. Can that punishment be carried into execution without the sanction of the Nizamut Adawlut?—Certainly not.

667. What is the usual mode of punishment in India of crimes of a serious description?—Imprisonment, frequently accompanied with hard labour on the public

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public roads; often with banishment, and sometimes with corporal punishment. Some few offences are punished by public exposure.

668. Is mutilation discontinued?—In every case in which mutilation is prescribed by the Mahomedan law, it is commuted to imprisonment.

669. What is understood by banishment?—Partly being removed to a different part of the country, remote from the residence of the prisoner's family; partly transportation beyond sea, as to Prince of Wales' Island or Malacca, within certain limits prescribed by Act of Parliament.

670. What change in the judicial system will be expedient and practicable, in the event of a materially increased influx into the Indian provinces of European settlers or residents?—I have never much considered that question, but I conceive our institutions and laws ought to be framed with reference to the great mass of our population; for the millions and not for the tens. I do not see any good reason why a few British subjects should have special laws, special tribunals, and special protection for themselves; as in other foreign countries, they ought, I conceive, to content themselves with an administration of justice inferior to that of this country. For a special purpose they choose to sacrifice a portion of their rights, and I do not conceive that they are entitled to complain of their bargain.

671. Then you conceive it necessary that they should be amenable to the law as administered in the provinces?—Yes.

672. Do you think that British subjects would feel any indisposition to be tried in criminal cases according to the rules of the Mahomedan law?—If it is supposed from the question that the Mahomedan criminal law is now administered by our courts, I conceive that not to be the case, it is so entirely modified to correspond with the provisions of the codes of Europe.

673. Is it modified by the regulations?—Yes.

674. Is the Hindoo law administered in any criminal cases in India?—No, not in any.

675. Then the criminal law which is administered in India is the Mahomedan law, unless in cases where that Mahomedan law is modified or qualified by the regulations?—By the regulations in some degree, also by practice and precedent, and what is termed circular orders from the superior court.

676. Are those circular orders mere explanations of the laws then enacted?—They are.

677. Have they in fact any power to change the law at all?—Certainly not.

678. Must any modifications or qualifications of the Mahomedan law be made by the authority of the government by regulations?—Alterations must be so made; that is provided for by Act of Parliament and by our regulations; explanations may be conveyed in circular orders.

679. Do you think there would be any objection that a British subject should be tried by the Mahomedan law, modified as it is by the regulations?—No; generally speaking, no particular objection occurs to me. Perhaps I ought to explain that I conceive that the power of legislating on the subject should belong to the local government, and should not be reserved to the authorities in this country.

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680. Upon a criminal trial, does the Mahomedan law officer sit with the judge?
—Yes.

681. Does he hear all the evidence?—Certainly.

682. And he by his futwa finds whether the fact is proved or not?—Yes.

683. Then he is somewhat in the nature of a jury in that respect?—Yes, excepting that he does not decide the cause; whatever his finding may be, it does not bind the judge.

684. Can the judge decide contrary to the finding of the Mahomedan law officer?—If the trial is held before the court of circuit, in the event of the judge differing from the Mahomedan law officer, a reference is made to the court of Nizamut Adawlut or superior criminal court in Calcutta. If a difference of opinion occurs in that superior court, I think reference is made to another judge, and it is competent to a majority of the nizamut adawlut to pass any sentence without reference to the futwa.

685. If the futwa has acquitted the prisoner, can the nizamut adawlut direct punishment to be awarded against him?—By Section 4, Regulation XVII. A. D. 1817, and by Section 7, Regulation IV. A. D. 1822, the nizamut adawlut appears to have the power.

686. If the judge does not object to the finding of the Mahomedan law officer, in all cases except capital, he may immediately award punishment on the finding?—Yes, excepting where the punishment is either capital or involves imprisonment for life. Perhaps I ought to explain, that it is in the power of the Governor-general in Council to dispense with the sitting of the Mahomedan law officer altogether, in any case which it appears more desirable to conduct without his interposition. The law, Regulation I. 1810, originated I think in consequence of a quarrel between two French gentlemen at Chandernagore, which terminated in the death of one of them in a duel; the inconvenience of having a Mahomedan law officer to pronounce in such a case was felt, and the enactment was passed.

687. Was that a general regulation passed upon the happening of this very particular case?—My impression is that it arose principally from that circumstance; I had nothing to do with it; probably other cases occurred.

688. Is it now the law, according to the regulations of the government, that a Mahomedan may be tried by the English judge without the presence of the Mahomedan law officer?—My impression is so, under the regulation above quoted.

689. Do you think the law, as you have stated it, of criminal trials in India, under the regulations, such that there would be no objection that a British subject should be exposed to that mode of trial?—No material inconvenience immediately occurs to me, and if any arose I conceive it would be easily rectified by the government by another regulation. As far as I am capable of judging, I should say Acts of Parliament are found wanting in the pliability and adaptation to the actual wants of the people which is desirable in legislation.

690. May a regulation of government be passed in matters relating to the administration of justice, operating upon all persons in India, excepting British subjects?—Yes. Perhaps I ought to mention that many provisions in Acts of Parliament relating to India, passed within my own recollection, have been found inoperative when attempted to be enforced.

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691. Would you recommend the establishment of anything in the nature of a legislative body or legislative council in India, to make laws for all persons whomsoever, including British subjects?—I think I have heard that such a proposal was made, but I have not seen the papers with regard to it, and I am not prepared to pronounce upon it. It occurs to me that the judges of the supreme court, whom I believe it was proposed to include in the council, might assist most materially in compiling a civil and criminal code from the mass of decisions passed by the King's and superior native courts, but I should doubt whether they would find themselves equally competent to pronounce on other very important subjects, as the relative rights of landholders and tenantry; and by the time they could among their other occupations have acquired that knowledge, the period of service which can be expected from them would perhaps have expired.

692. Do you think they might be safely associated with persons conversant with the administration of justice in the province, for the purpose of making laws from time to time, as occasion required?—I conceive they would be extremely useful in compiling laws in the mode I have indicated; but I should doubt, in our revenue system and in various other details of our administration, as they are very complicated, whether the subjects came so much before the judges in their ordinary occupation as to facilitate their mastering those questions.

693. Have you any doubt that if it were expedient to establish a legislative body or council in India, for the purpose of making laws from time to time for all descriptions of persons, including British subjects, that the judges of the supreme courts could be very usefully associated as members of that body?—Certainly very usefully, to the extent I have endeavoured to point out; but further it might depend upon the provisions under which such a council might sit. If any member had the power of deferring the enactment of the law until he had thoroughly satisfied himself of the expediency of passing it, embarrassments might arise.

694. Have you made up your mind at all whether it would be expedient to have a council in India for the purpose of making laws for India, either council or government, or whether a body ought to be established to make laws in India for India, whether that body be composed of the judges and the council, or whether it be composed of the government alone?—I have already, I believe, pointed out that in my opinion no alteration should be made in the constitution in India, that is, as I understand it, the system of administering law and of collecting the revenue, without communication with this country, but all other subjects I think had better be subject to the regulation of the authorities in that country; and I can easily suppose certain regulations under which a legislative council composed in the manner suggested, partly of judges of the superior court, partly of the government, might be rendered extremely useful.

695. But in matters of revenue do you think they ought to communicate with some authority at home?—I do not think the system under which our revenue administration is conducted should be changed without previous reference to this country; I may add, that I think changes have been so frequent as to be very prejudicial already.

696. Would you not think it right that the power of legislating in matters of revenue should be confined to this country?—By no means.

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697. But you think important matters affecting the revenue ought not to be legislated upon in India, without communication with the authorities at home?— I conceive they do not acquire the degree of consistency and stability which is the foundation of all improvements without such communication.

698. But do you think that all matters relating to the administration of justice for all descriptions of persons could be safely confided to such a legislative council in India?—Generally speaking, with the control that already exists in this country, partly from public opinion, partly from the appeal allowed to the King in Council, and the other checks which exist, I should apprehend that it was extremely improbable that government would abuse any authority of the kind that might be entrusted to it.

699. If opportunity was given for the admission of British subjects to settle in any parts of India, do you not think such a power of providing by a legislative council for the administration of justice in the country would very much tend to render the step more safe and proper?—Yes, certainly, either by the government or the legislative council.

700. Do you conceive natives might be more generally employed in the administration of justice in India than they are at the present moment?—If it was proposed to substitute native juries for the present tribunal, I apprehend the result would be an entire failure. As I have already explained, I am very sensible of the defects of the present establishment; but I conceive much greater and more hopeless disorders must ensue from such a change as that. There seems to me great want of the materials necessary to compose tribunals at all resembling English juries. If all the testimony delivered on the subject of India agrees in anything, it surely is in representing the low state of moral feeling exhibited in our courts of justice. Native officers and retainers, no less than suitors and witnesses, are all represented as false and corrupt. With the exception of the class of native officers called sudder ameens, or superior native judges, or the law officers, there is little of native respectability to be found. That the native character possesses much that is estimable, is unquestionable; but we have not very well succeeded in bringing the virtues of integrity and truth to assist in the administration of justice. That by legislation on the supposition of the existence of those virtues we should immediately bring the virtues themselves into active exercise, is I fear a theory more pleasing to the imagination than founded in any extensive experience of mankind. I speak not of other countries or of other societies, but of the presidency of Bengal; and I am persuaded the soundest opinions there will be adverse to supplying the demand for justice by juries independent of European control. Most judges are, I believe, at first smitten with the idea of disposing of cases by arbitration, by punchayet; under the rules already in force, it appears as if it would both save trouble and give satisfaction: Soon impediments multiply: one or other party objects to the course of proceeding, or some of the punchayet is ill, or cannot or will not attend, or it is alleged that they will not hear some of the evidence, or that the decision is directly at variance with the evidence. The court gets embarrassed between the desire to support the punchayet and to prevent the abuses charged; whatever the errors of the punchayet may be, it is reluctant to make them defendants; the cause lingers, and I fear little satisfaction is offered. From my own experience, I should say

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say punchayets seldom answered, excepting in the very rare case where the opposing parties both desired in good faith to have their respective rights ascertained and determined. Another tribunal, somewhat analogous to what is proposed, is that of native courts-martial for the trial of offenders against military law. These are independent courts, and I think it is admitted that they have altogether failed in administering impartial justice. They are either merely passive instruments in the hands of the judge-advocate or superintendent officer, or more frequently, where the offender is a native officer, they deliberately shield him, whatever may be the evidence or charge against him. The general orders of the Bengal army constantly recorded the most severe censures passed by the commander-in-chief against the sentences of native courts-martial; and whatever difficulties may arise in recalling the power of trial, I believe all intelligent officers regret it was ever conferred. It is to be borne in mind that the army of Bengal is not, like European armies, recruited from the lowest ranks of society, but from that rank which should furnish jurymen.

701. You state that those who compose the army in India are generally of a more respectable class than those who compose the armies of Europe?—Yes.

702. And yet you state that great objections have been taken to investing those persons with the powers of sitting in courts-martial?—Yes, as a court having the power of pronouncing sentence on their fellows.

703. You believe private soldiers do not sit in courts-martials, but their native officers do?—Yes. The people of India possess a singular facility of combining, and silently but effectually resisting authority. Where so many circumstances occur to fetter the mind, much freedom in opinion and integrity in judging is scarcely to be expected, and influences very different from the abstract love of justice must be anticipated. If juries should be tried and fail to answer the end proposed, I fear they might be a very grievous instrument of oppression, injustice, and fraud; the more intolerable because no mode occurs to me of correcting their errors on appeal, however gross the failure of justice. I have, however, for some time been of opinion that some additional facilities in employing natives in administering both civil and criminal justice might be afforded to the courts. It occurs to me that it might be rendered optional with judges to summon punchayets or assessors, to aid him in cases in which he saw a reasonable ground to believe it might promote the ends of justice; but they should rather act as assessors to advise the judge than decide themselves. A discreet judge, and probably only such would summon a jury, would treat them with a degree of respect and consideration which would afford them ample encouragement; and should the institution be found to answer, their powers might be increased. To illustrate my meaning, I may mention a criminal trial, my notes in which I happen to have with me: it was a charge against two bankers composing a firm, for stealing a letter containing drafts for large sums of money, forging and uttering the indorsement, and thereby obtaining the money. The greater part of the trial consisted of an examination of the truth or falsehood of certain bankers' books; and another point was respecting the usages of brokers in negotiating bills. The trial lasted, I think, ten or twelve days, and I remember feeling how much assistance I could have derived from some of the many bankers and merchants whom curiosity led to attend, had the law or usages of our court permitted me to have availed myself of that knowledge and

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experience in a description of business with which I was unacquainted. After the trial, I heard that a punchayet sat to determine whether business should in future be transacted with the firm in question, and I found I had arrived at the same conclusion with the jury, though probably by a much more circuitous course. In the very common offence of affrays or village quarrels, and in numerous others, I incline to think that material assistance might often be obtained from a punchayet, and I perceive no material objection to making the experiment. In civil suits, in like manner, in questions of disputed boundaries, of disputed accounts, or of caste or others, much aid might be obtained from the natives. At present, all reports on matters of fact are prohibited, except where both parties agree to a reference to arbitration; and if one party absent himself, the court, however unequal to the duty, must enter into the examination of the most complicated accounts and transactions, and I think some discretion on this point ought to be vested in the court. I understand that some provision of the nature of that above suggested has been introduced under the presidency of Bombay, but I do not know with what success.

704. You have stated in your evidence that larger powers have been given to the native judges to try civil causes than they possessed heretofore; do you know to what extent that power has been increased?—The principal sudder ameen is empowered to try to the extent of 5,000 rupees, the ordinary sudder ameen to the extent of 1,000 rupees; the powers of the moonsiffs are also increased, they are now entitled to try suits for personal property to the value of 300 rupees, and also suits for real property for the same value, with certain exceptions.

705. Do you conceive that such increased powers can be given to natives as judges or assessors, consistent with the large introduction of Europeans in the interior as settlers or residents?—I should certainly not consider it desirable to vest natives with jurisdiction over British subjects at any place other than that in which a European judge holds his court. I think assistance might be derived from the natives, in administering the law with regard to Europeans, if an European judge presided.

706. Then you conceive that all the cases which might arise between the European so situated and a native, should be tried in the zillah court, before an European judge, and not before a native judge?—Generally I should conceive it desirable that cases in which Europeans are concerned should be tried under the immediate superintendence of an European judge.

707. Do you think it would be satisfactory to the natives themselves that their causes were tried by a native judge, without the supervision of any European?—Generally speaking, I should say it was not desirable to invest the natives with final jurisdiction. There are instances of persons as able and as intelligent and as pure as any European, but the general tendency is otherwise, particularly in regard to integrity. The natives are inclined to suspect the integrity of each other.

708. Have the salaries of the judges been increased from the time their powers have been augmented?—I am not aware whether that is the case; I have merely seen an abstract of a regulation, in which the remuneration to be afforded them would not be inserted.

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709. Do you not conceive, the suspicion of our impure administration of justice in the hands of natives, in some degree arises from the lowness of the salaries they receive?—The class whom we have paid as native gentlemen, and treated as native gentlemen, is the only class who I conceive have maintained their respectability.

710. In what way are the native judges generally treated by the European judge; with respect or otherwise?—Certainly not with disrespect, but there are different grades of native judges.

711. Are they allowed to sit in the judge's presence?—The higher class undoubtedly.

712. Are the sudder ameen allowed?—Generally; but it depends on their rank.

713. Is it not frequently the case that a native of some rank is not allowed to sit in the presence of an European judge?—The feeling on that subject, and the observances on this point were very strictly enforced, I imagine, under the Mahomedan government, and in the earlier periods of our government we were perhaps somewhat tenacious upon it, but I think we are gradually becoming less so. In the great majority of cases it is immediately understood whether the person is or not sufficiently high in rank to sit, and in doubtful cases the general disposition is to allow him a chair.

714. Is there any addition you wish to make to the evidence you have given?— 16 April 1832.
Several questions were put to me upon the subject of a legislative council as applicable to India; and it has occurred to me to mention that an admixture of the gentlemen educated at the Scotch bar might be useful in a council of that nature, in administering the law contained in the Mahomedan and Hindoo codes; the code of Scotland being more founded on the civil law and on general principles than perhaps the law of England.

Veneris, 13^o die Aprilis 1832.

The Right Hon. ROBERT GRANT in the Chair.

ROBERT NORTH COLLIE HAMILTON, Esq. called in and examined.

715. WHERE has your service been?—In the Bengal presidency, chiefly in the Judicial department at Benares as a Magistrate, and latterly as Deputy Secretary, in the Judicial department at Calcutta.

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716. On the supposition that Europeans in increased numbers were to become settlers in the interior of India, should you consider the judicial system of the country courts as at present established to be sufficient for that state of things, or would you recommend any and what changes?—It depends chiefly on what will be the nature of the settlers; if they were people of large property and capital simply residing there on estates, the present system would be sufficient, but if there were to be a mass of people of an inferior order it would require some alteration. I do not suppose that the natives themselves would be fit or capable.

717. Do

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717. Do you mean to say that the courts in which natives were judges are not competent to try Europeans?—They would not be.

718. Do you speak of the natives immediately at the present time, or do you suppose that by degrees their general character has so improved as to render them competent to try Europeans, either criminally or civilly?—I should think it would take a great lapse of time before they were competent.

719. Could you not say that within the period of your acquaintance with India there has taken place among the natives, especially at the presidency, a very great change of character?—A material change.

720. Have they not acquired more confidence in themselves, and do they not more easily conform to the European modes?—They acquire more confidence in the European modes, and are more confident in the system under which they live.

721. It is found that what at that time was a prevalent opinion of the unchangeableness of the native character has been a good deal modified?—Yes, they are fast improving now.

722. You think any further change so great as to render it fit to seat them in judgment on Europeans, must be the work of a very long time?—To make them impartial judges.

723. You do not mean by competency that the state of their minds and faculties is so inferior, but on account of their moral character?—Certainly.

724. What do you conceive would be the defectiveness of a native tribunal sitting in judgment where Europeans were concerned, civilly or criminally?—If the Europeans were influential persons, they would be partial; if there was a lower class of persons of no importance at all, they might be tyrannical and arbitrary.

725. Do you think that any evil effect would be produced, on the opinions entertained among natives in general of Europeans?—I think every decision that tended to lower the character of the Europeans, would lower them in their estimation.

726. Would the circumstance of the natives sitting in judgment upon the Europeans impair the native in the estimation of the Europeans; the fact of their being subjected to the natives?—Certainly; it is not under a native state, for in a native state an European is nothing more than another subject.

727. Supposing an increased number of Europeans to reside in the country, either as settlers having property, or in any employment in the country of a lower kind, do you think the present judicial system of the Company, in point of extent and magnitude, sufficient to administer justice under such circumstances?—I think the present judicial system is as small as it can possibly be, it is barely sufficient in some of the largest districts to superintend now sufficiently every part of the district, but I do not think the increase of Europeans would cause an increase of crime so as to occasion greater work. I think you would require Europeans to try Europeans, and therefore that would be an additional expense and a material one.

728. In addition to the present courts?—I do not think the present native courts constituted of natives are calculated to try Europeans for criminal offences.

729. Do you mean with an European judge remaining as he does; do you think the court under such judge or assistant is not sufficient to administer justice where the Europeans are concerned?—Certainly, I consider it very doubtful.

730. Do

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730. Do you think the European judge or assistant would be relieved by the native officer being appointed to try the native cases; and being so relieved, do you suppose the present European establishment sufficiently large?—Confining it to this; if the Europeans are to hear cases in which the Europeans were concerned (taking them entirely from the natives), it ceases to be a *native* tribunal.

731. In that case you think the present European judicial force would be sufficient?—Yes. There is a system about to be introduced in which the powers of the natives would be equal almost to what was the power of the European judges in civil courts some years ago; it is with reference to this my answer applies. I do not think those natives who have got the additional power, are competent to give impartial decisions in a case. I confine my remark to a court in which a native alone presides, of course subject to appeal.

732. It is understood that the Europeans going into the interior under local licenses, did thereby subject themselves to the country courts; at present would that engagement oblige them to submit to the jurisdiction of courts where the natives alone preside at present?—Yes, it would, according to the tenor of their *local* license.

733. Do you know, in point of fact, whether the Europeans have ever been subjected to courts where natives preside, by local license or otherwise?—In civil matters.

734. You know that?—An European can hold land now for any suits that arise out of his engagements with natives in the course of trade or agriculture; those suits may be heard in a native court, where a native only presides; he is obliged to abide by the decision of that court as much as another.

735. Does it in point of fact frequently happen?—Not very frequently.

736. Not often enough so that you can draw a general rule how far the natives could be found efficient?—The case is this, an European seldom lets his name appear to a suit; so that if you were to take the file of a court and look through to see who sues, you would find the agent, who is the native prosecutor; unless therefore you know for whom he was the agent, you could not know who was the principal.

737. This is confined to civil cases?—In criminal cases he must appear in person.

738. According to your opinion, the effect of the experiment which is now trying of the more extensive employment of natives in the administration of justice, is comparatively of very little value on the supposition that a great number of Europeans became residents in the country?—In that point of view it is.

739. Can you state the outline of any changes that were in contemplation in the administration of civil justice, at the time of your leaving India?—When I left India in last January twelvemonth, the draft of a regulation had been prepared by which the native courts were to be remodelled. Formerly the civil courts consisted of a judge or registrar, who was limited to hear suits under 500 rupees, and from 500 rupees to 1,000 rupees. There were two classes of registrars. The native judges, called sudder aumeens, were limited to the trial of suits not exceeding 500 rupees, generally not exceeding 250. Under these sudder aumeens there was a class of civil officers, moonsiffs, who tried suits of a minor extent in the interior of the districts. By the new scheme the office of registrar was done away, and sudder

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sudder aumeens were to be empowered to try suits from 1,000 to 5,000 rupees, and an increase of powers of a corresponding nature was given to the inferior courts. This would materially lessen the business before the judge, who was to confine himself to hear the original suits of a larger amount; appeals from the superior sudder aumeens sedam, who were competent to hear appeals from the inferior courts. This was the outline of the measure which had been before government, but was sent for report to the judges of the superior court, sudder dewanny adawlut, whose opinion on it had not been received. That would alter the whole system of civil courts.

740. Has the salary of native judges been increased?—The salary of the native judges of the first class was to be from 500 to 1,000 rupees a month.

741. What are they now?—From 100 to 200, some 350 rupees.

742. Some were 350?—Their salary ranged from 100 to 350 rupees a month.

743. What was to be the salary of the moonsiffs?—That was to be raised to 100 and 150, from 25 to 50 rupees.

744. Is there to be any regulation about these?—Yes; there was to be an extension of power in proportion to what they had before. The moonsiff has a local court in the districts.

745. The sudder aumeen being extended to 5,000 rupees, is there a similar extension?—There are three classes of sudder aumeens; one to hear suits under 5,000 rupees, another from 500 to 1,000, and the third from 1,000 to 5,000. The moonsiffs were to hear minor suits in the interior of the districts; the other courts being at the zillah station. An ultimate appeal would come to the zillah judge (the European functionary), and that would be final, from the moonsiffs.

746. Would the provincial courts be done away with?—Yes.

747. Do you know anything of the calculation of the expense of the new system as compared with the old?—It was calculated not to increase the expenditure, by the reduction of the office of registrar; his salary, as well as the expenses of the provincial courts of appeal, would defray the increased salaries of the natives.

748. What would become of the provincial judges, those who act now?—They were to be absorbed into the service.

749. In what way was criminal justice to be administered?—Its administration is completely changed: the court of circuit and the provincial court of appeal were one; they are subdivided; there is now a commissioner of circuit, and the old provincial court of appeal remains.

750. The alteration has been some time; the commissioner of revenue has been the judge of the circuit?—I think the regulation was in 1829.

751. That has been fully carried into effect, it is no part of this new plan?—The part relating to criminal courts had been carried into effect, and failed I am afraid from uniting the revenue and judicial powers, thus loading the functionary with work he could not do.

752. It failed from the incompetency of the individual to discharge both duties?—From want of time he was incompetent.

753. Have the Hindoos or Mahomedan natives ever been employed in juries in Calcutta to your knowledge?—I have not heard of any jury being impannelled solely of Hindoos or Mahomedans.

754. You

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754. You doubt if it is possible they should be?—I consider it impossible for a native jury to be empannelled for the trial of any native, from the natural prejudices as to caste; a respectable or high-caste Hindoo would think it a degradation to sit upon a jury in which an inferior caste was to be tried, and an inferior caste would, by his religion, consider he had committed a sin in bringing disgrace and punishment on a Brahmin.

755. How far does that principle operate in courts-martial among the native troops?—I believe there is no low-caste man enlisted in the army. I cannot be competent to give evidence on military matters, but the common soldier is supposed to be a man of respectable caste before he is enlisted; I do not suppose there is the lowest caste of Hindoo in the army. I do not believe a native court-martial ever sits without being superintended by an European officer; the interpreter of the regiment is usually the superintendent of all native regimental court-martials.

756. Do you not conceive that a species of jury might be appointed in different courts, taken from officers and agents who were in the habit of attending the courts?—I think that would be most prejudicial as far as impartiality is concerned; I think every man who receives pay about the court is the last man who ought to be employed. If you take a man who holds an office in one district, and make him a juror in another, you must have some one to do his work during his absence. Competency as to intellect I do not dispute; but the question is, if a man who has retired from the service from age, living 200 miles off, would like to be summoned to sit on a jury. There was a calculation made of what would be the expense supposing native juries were to be assembled at the assizes or sessions, and the expense of one sessions was nearly 50,000 rupees per annum; that is the amount by a calculation of Mr. Leycester, late chief judge of the sudder, recorded on the minutes of the court.

757. But upon the trial of criminal cases the native officer who attends acts somewhat in the nature of a juror?—There are regulations empowering the presiding judge to set aside the (futwah) opinion of the moolavie, who is always attended by one.

758. Who finds the matter of fact?—He finds guilty or not guilty; but there is a regulation by which the courts are empowered to set aside that decision.

759. If it is a conviction, but not an acquittal?—The futwah which is given acquitting a man at Benares, may be reversed by the superior court; or the commissioner's decision at Benares can be reversed by the nizamut adawlut.

760. What can he do; can he reverse the judgment?—The whole trial goes down.

761. Supposing a person is acquitted by the futwah of the Mahomedan officer, if the commissioner of circuit approves of it, it is final; if he disapproves of it, it goes to the nizamut adawlut?—Yes.

762. May the sudder nizamut adawlut set aside the futwah, and pronounce judgment on this person who is declared not guilty by the futwah?—By the futwah the court are not guided; they give their opinion as if it were a new trial before them, on the whole case.

763. But without hearing new evidence?—They can send the case back to have more evidence taken. It is almost a new trial in the event of the European func-

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tionary and the law officer not agreeing; if they agree, the thing is final; still the higher court has the power of sending for the evidence.

764. Do such references often take place?—Constantly; that is in case of the judge disagreeing.

765. Upon the same evidence upon which the Mahomedan law officer has found that the party is not guilty, the nizamat adawlut may pronounce him guilty, and sentence him to punishment?—It is their verdict on the evidence that comes before them; every word having been taken down. They may quash the indictment and send it back, or they may decide the contrary.

766. What is the usual practice; to refer it to another trial, or give a decision upon it?—I do not think I ever recollect a trial in that way being quashed; not commonly; they generally decide on it as it goes down.

767. If the moolavie (the Mahomedan law officer) should pronounce and say “not guilty,” and the opinion of the European judge should be “guilty,” in that case the nizamat adawlut would decide in favour of the judge?—The nizamat adawlut will sometimes decide one way and sometimes another; they sometimes agree with the moolavie and sometimes not.

768. Suppose the native should say “guilty,” and the European judge should be positive it is a case for acquittal, is not his decision final?—No; in all cases in which they disagree, let their disagreement be how it may, it must go to the superior court.

769. A capital sentence cannot be pronounced unless submitted to the nizamat adawlut?—I do not think the commissioner of circuit can sentence to more than 14 years’ imprisonment or banishment.

770. Does the nizamat adawlut hear fresh evidence?—They are empowered to hear it if they think fit.

771. Hear it, or send for it?—They must send for it; sometimes it is 1,200 miles.

772. They rarely send for fresh evidence?—There must be one opinion for an acquittal, and they generally acquit where there is a doubt; they are more disposed to acquit than convict in those cases; but then the court of the nizamat adawlut consists of three or four or five judges, two of the judges may acquit and three convict. There is a curious case of embezzlement for a large amount of the Benares mint pending, in which the judges of the nizamat adawlut found the prisoner guilty, and the quantum of punishment is what they do not make up their minds to; they differ among themselves, and the case is lying over owing to the death of the senior judge.

773. In that case there was a difference between the moolavie and the European judge?—Yes; I think the moolavie acquitted and the commissioner of circuit found guilty: it has gone to the sudder nizamat, and the judges have found the guilt, but the measure of punishment remains doubtful.

774. Are there no means of coming to a decision on the punishment?—There ought to be.

775. Is the judge in the habit of making observations on the evidence, before the moolavie pronounces his futwah?—No: I never have myself sat on those cases. On the close of an evidence the moolavie can cross-examine any witness he pleases, and

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and on the close of the case the European judge desires him to give his *futwah* in writing, first as to the guilt, and in the event of guilt, what would be the punishment by the Mahomedan law. If he agrees in the guilt, and it is a case in which he is competent to pass judgment, he does so, reporting it to the *nizamut adawlut*; but if he disagrees with the *futwah* as to the guilt or innocence, he sends the case down with the *futwah*, and his own opinion on the merits and particulars of the case. To the superior court he gives his reasons in detail.

776. Do you think, by the forms of law in criminal proceedings in India, the life and personal liberty of the native are well secured, or otherwise?—I think for the purposes of justice it is perfectly sufficient.

777. There is often considerable difficulty in convicting?—In the course of nine years' residence at Benares, in which I was connected with the magistrate's office, I do not think there were above three capital punishments, that is, sentences of death.

778. How many capital charges might there be in that time?—There is a statement I have given in; I suppose the capital charges were 200 a year.

779. Did that number arise from acquittals or commutations?—There were plenty of punishments of imprisonment and transportation.

780. There is considerable difficulty, is there not, in convicting in the criminal courts of India?—Yes; I think the tendency is more to acquit than convict. If you take the result of the trials, you will find more acquittals than convictions.

781. To what do you attribute that?—To the difficulty of convicting; to the difficulty of finding conclusive evidence.

782. Is not the law of evidence the Mahomedan law of evidence, unless it be modified; and is any particular number of witnesses required to prove a fact in a criminal case by the law as it obtains?—No.

783. Can one witness be sufficient if the *moolavie* believes him?—The *moolavie* will not give his *futwah* by our law; it will be according to the Mahomedan law.

784. His decision will be according to the Mahomedan law?—Yes.

785. Does that require more witnesses?—It requires two witnesses, and in some cases it requires eye-witnesses.

786. Can any person in India in the criminal courts, that is, any native, be convicted on mere circumstantial evidence of any criminal offence, without direct testimony of the fact?—The Mahomedan code of law requires direct testimony of the fact.

787. Then the *moolavie* would not convict; he would not find a *futwah* against the prisoner, unless there were two witnesses to the fact?—They have a technical term, and they would find him guilty on presumptive evidence; he would state that in his *futwah*, but not guilty on direct evidence; that is, supposing the man were by circumstantial evidence found guilty of an offence that would involve death, he would state in his *futwah* that the extreme sentence was barred for want of a witness or direct testimony, but that he would be guilty on presumptive evidence.

788. That is, that he would be suspected?—No; his *futwah* would be "guilty."

789. He would be liable to punishment?—Yes, to the minor punishment.

790. Is there much difficulty in obtaining evidence, arising from the parties who might give the evidence being intimidated?—It did certainly exist to a great extent,

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but it is fast decreasing. If you separate Bengal and the Western Provinces, it may exist in Bengal, it is known to; in the Western Provinces it is not by any means so frequent.

791. Has the crime of decoitee decreased?—Yes; it is a crime confined to one or two districts.

792. Is it to the improvement of the police you describe that decrease?—A great deal of it depends upon the settled state of the country, and likewise to the police.

793. How often are the sessions held in each district?—Half-yearly.

794. Are all the prisoners brought to trial?—They are all sent up for trial.

795. Are they all tried in each session?—They are all put on their trial, except there is something that makes them lie over, but the judge is obliged to dispose of the calendar and account for the prisoners in every case; the gaol is delivered. The law is, if a case stands over two calendars the prisoner is acquitted and set free. Before the system of commissioners of circuit, a man might be confined for a year before the sessions, the commissioner of the circuit never reaching the place: it ought to be half-yearly.

796. Under the present system is it the fact that the gaols are regularly delivered each half year?—I think, under the new system of commissioners, it is delivered twice within a twelvemonth. If they have a sessions this month, six months from this date there may be very few for trial.

797. But still they deliver twice a year?—It would be twice a year, though not six months apart.

798. They are delivered twice a year?—Yes.

799. You stated that the system of employing commissioners rather than judges going the circuit, has failed from the accession of the revenue duties?—Yes.

800. Does not that circumstance prevent the complete gaol delivery?—No; because another officer has been sent to hold the gaol delivery, and this proves the failure of the new system.

801. What description of person is he?—An officiating judge for the circuit to all intents and purposes; he has the same power as the commissioner of the circuit.

802. It is another qualified person?—Yes.

803. Do those commissioners of necessity possess a knowledge of the law when they are first appointed?—To answer that, I must go more into detail than the Committee may think it right to do.

804. Will you inform the Committee whether, in your opinion, the proper means for qualifying these Europeans and writers who are employed in judicial functions are sufficient; and if not, what other means you would recommend for securing the proper qualification and the proper execution of the administration of justice, generally?—I think that a writer who has been attached to the judicial branch, by the time he comes to the commissioner's office is qualified to perform the functions of a commissioner of circuit, but I doubt much whether he is qualified supposing that he has been brought up in the revenue branch and then made a commissioner of revenue and circuit, I doubt if he is qualified for the circuit, though he is fully qualified for the revenue; or *vice versa*, a man who is brought up in the judicial branch is not qualified

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qualified perhaps for revenue; but the appointment under the system as it now is, of the commissioner of revenue and circuit, was in this way: The government abolished the courts of circuit and the boards of revenue; they had numerically a sufficient number of men, and they divided the country out: there were three boards of revenue and five courts of circuit; they parcelled out the whole country into jurisdictions, each containing three or four zillahs, or districts, and government appointed a judge from a court of circuit to be a commissioner of revenue and circuit, and a district was placed under him, with the powers of the board of revenue and the commissioners of the circuit: so also an officer was taken from the revenue board and made him the same. It is no imputation on an individual to say he might not be qualified for one department; the first man in the service may be qualified in one line, though he may not be so competent in the other: it is upon that partly the system has failed.

805. So far as acquiring a knowledge of the natives goes, is not experience in the revenue department important?—I think that the judicial officer gains more insight, in the course of his service from a writer to the office of commissioner of circuit, in revenue matters, than a revenue officer does of the judicial, in rising from a writer to the board of revenue. As a civil judge he has to look over the revenue proceedings.

806. Have you any plan by which this mischief might be rectified?—The commissioners of circuits were an improvement on the old courts of circuit, by ensuring a half-yearly gaol delivery in each district, from giving them a space they could travel over within the period. In the Bareilly circuit the judge had to travel 1,200, or perhaps 2,000 miles in the half year with all his office; that was under the old regime; now he has not to travel more than 60 miles from a given centre. The new arrangement diminishes the sphere in each case, but it blends the functions of the judicial and the revenue departments. Had they given each six instead of three districts to superintend in one branch only, if a revenue officer had six instead of three, with the duties of circuit judge, confined only to revenue matters, the business would have been performed; that is, the improvement would have been substantial.

807. You would send the same officers on their circuit?—Let them be wholly distinct from each other; restrict the duties, and put one in the revenue and one in the judicial.

808. You would enlarge the spheres, and divide the duties?—Yes, I think it is wrong to give them both functions; a positive evil.

809. Are the natives ever employed as judges in criminal cases to any amount?—No.

810. Not as magistrates?—No.

811. Do you think it would be advisable to make natives justices of the peace?—Certainly not.

812. Do you mean that answer generally?—I mean that a native is not a qualified person to perform the duties of a justice of the peace.

813. Even over natives?—No, not beyond the present police jurisdiction and authority he possesses.

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814. As you say you would not employ natives as justices of the peace, do you think it would be safe to have a power of employing them to any limited extent at the presidencies in the functions of police?—It might do no harm; it would be inoperative. I think they are not yet capable.

815. Do you think the natives would of themselves have confidence in a native justice of the peace?—No, certainly not.

816. Do you think there would be any advantage in having some means of instructing these writers employed in the administration of justice, in the general principles of law, before they commence their judicial career?—I certainly think a man who knows something of law is much better qualified than one who knows nothing; but the local regulations are what he must know.

817. Do you think a person better qualified to discharge the judicial functions if he were grounded originally in the general principles of jurisprudence?—That is the object of Haileybury, supposing he attends to those lectures delivered there.

818. Has the instruction which he gets in the principles of law in Haileybury been found useful?—Yes, I think so; as far as it goes it is most useful.

819. Is it desirable to extend it?—I do not know how it could be extended, unless writers were kept longer in England.

820. Might you not by altering the course of study?—I myself went there. I do not think you could increase the study of law without decreasing something else; to keep within the present limit of residence in the College, you must take away something equally useful to learn, to give more time for the study of law.

821. And what is that?—I think a writer learns least of the languages. In my opinion, the three principal things a man learns at Haileybury are law, political economy, and history. Afterwards he has no opportunity in India of gaining similar information.

822. Would there be an advantage in excluding classical and mathematical instruction from Haileybury, and substituting many of these more available and practicable branches?—I do not think it desirable to exclude classics and mathematics.

823. Supposing a certain part of the youth destined for India should be intended for the judicial line, would it be advisable to prolong their stay in this country to enable them to acquire a knowledge of the principles of jurisprudence more perfectly than they do now?—It is difficult to tie a man down in this country to say what line he shall pursue in India. In my own case I should have conceived it would have been hard to tie me down in England, for it might have happened that there was another branch that I might have been more disposed to turn my mind to after I had seen India.

824. You are of opinion that the choice of the particular line in which he is to be employed cannot well be fixed until he gets to India?—Yes; and not till he is out of the Calcutta college; till he sees the country: he is sent up as assistant to a place there; he sees the nature of the business, and he may then fix himself to one branch.

825. It is pretty much left to the young men there to choose their own lines?—It is; but I fancy the exigency of the service often requires them to be sent. Formerly a man was appointed assistant to a judge and magistrate, which is wholly judicial,

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judicial, or he chose, and was sent as assistant to the collector, which is wholly revenue; now they are appointed as assistants to the commissioners of revenue and circuit, it remains for them then to be sent where they may be most wanted.

826. They are not now enabled to choose whether they will be in the revenue or judicial line?—Every young man on his emancipation is appointed now assistant in the revenue and judicial line; he is appointed assistant to the commissioner of revenue and circuit; and he is not appointed assistant to a magistrate or collector of a specified place, as he would have been formerly, but under a commissioner, who assigns him to any place within his jurisdiction.

827. Does he assign him after he has some knowledge of what he is fit for, having employed himself?—He assigns him as soon as he thinks him qualified; it is left entirely to him: sometimes he deposes him under a relation, for it is fair to conceive he would learn his duty better under a person interested in him.

828. Is he generally employed in both departments?—Yes; alternate days usually.

829. How long upon an average would a young gentleman remain as an assistant before he would be appointed a commissioner?—I suppose 18 years, perhaps 20.

830. He would be assistant?—No; intermediately he may be a magistrate and collector, but before he becomes a commissioner he would see 18 years' service. A writer, after having passed the required examination at the college of Fort William, is first appointed (according to the present system) assistant to a commissioner of revenue and circuit, at whose disposal he is placed to be deputed or attached to any office (revenue or magisterial) where his service may be most required. Supposing him deputed to a magistrate's office, his prospect of rising in the service would be thus:

- 1st. Assistant to magistrate: On a salary from 400 to 600 rupees per month, for a period of near five years.
- 2d. Joint magistrate: On a salary of 800 to 1,000 rupees, for a period of three years.
- 3d. Magistrate: On a salary of 1,200 to 1,600 rupees, until he might be appointed judge of a civil court, and his magisterial functions would cease; from which he would
- 4th. (Commissioner) Rise to a commissioner, after 18 or 20 years.

It will be seen from this scale that an officer may be appointed a judge of a civil court without having gone through the training which he would have under the former system, which was thus:

Assistant to judge and magistrate;
Registrar and joint magistrate;
Judge and magistrate.

By the abolition of registrars (the intermediate step between assistant and judge), it is difficult to see how a man, whose time is fully occupied, can get that same degree of knowledge under the new system he might naturally have gained in the 10 or 12 years' apprenticeship before he attained the office of judge and magistrate, as far as civil judge is concerned. But suppose the commissioner to depute the assistant in the revenue department, he would become,

- 1st. Assistant to a collector, and wholly confined to revenue matters.

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2d. Deputy collector : Deputed to make settlements and assessments, and possibly created joint magistrate, with all the powers.

3d. Collector : In charge of a district in every particular relating to revenue.

4th. Commissioner : He would become a commissioner of revenue and circuit, after 18 or 20 years.

The powers vested by regulation in an assistant to a magistrate, are "to hear and determine any case *made over* specially for that purpose by the magistrate, and on proof and conviction to order a punishment not exceeding one month's imprisonment, or a fine not exceeding 50 rupees.

A magistrate, on conviction of certain offences, may punish with six months' imprisonment, with or without labour and irons, 30 stripes, and a fine not exceeding 200 rupees, commutation to imprisonment not exceeding six months. A magistrate, by Regulation XII. I think, of 1818, may on conviction of a burglary (and thefts exceeding 100 rupees in value) sentence to two years' imprisonment with labour; and by another Regulation, in cases of serious affrays, sentence to one year's imprisonment. In all cases of murder, homicide (or attempts), burglaries exceeding 100 rupees, woundings, administering drugs, child stealing, and other heinous offences, the magistrate must, in the event of there being sufficient evidence, commit the accused to take his trial before the commissioner of circuit, at the assize or session next to be holden.

831. Is the assistant ever employed in delivering the gaols?—Never.

832. What means has the assistant of learning the judicial part of his business?—He is generally appointed to be the assistant to a district; after having been a short time at the commissioner's office, he assigns him to a district, and in the office of that district he learns the routine of duty and gains experience.

833. But in the district to which he is appointed as assistant, what is the nature of the judicial functions he discharges?—In preparing cases and taking evidence.

834. What cases does he prepare?—Any the magistrate may send to him.

835. What is the nature of the preparation of a case; how does he prepare a case?—Much in the same way as a magistrate prepares a case before he commits it in this country.

836. Taking the depositions of witnesses?—Yes; and making the case as complete as he can, so that the magistrate may come to a decision upon it: the magistrate can send for more evidence and make further inquiry.

837. That is in the case of minor offences or commitments?—Of any case that may be sent to him.

838. Does he do so in cases of a graver description that are for trial?—Yes, he prepares it for trial; he passes no decision.

839. Are not all the cases of a graver description tried, and the depositions taken, before the commissioner of revenue himself?—Before the magistrate, in the magistrate's office, in the first instance; but the commissioner of circuit has the whole over again before himself and the moolavie. The commissioner is the superior authority in the district.

840. The commissioner is the judge of the circuit?—Yes.

841. And assists in the delivery of the gaols?—Yes; the judge of circuit only delivers the gaols.

842. Suppose

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842. Suppose a case of theft of a serious nature, would not that case be entirely heard from its commencement to its termination before the commissioner, at the time of trial?—Suppose a theft takes place in a district under 200 rupees in amount, the magistrate disposes of it entirely himself, even as to the punishment. Supposing it to be a heavy case he commits it for trial before the commissioner of circuit, who hears the case, and has all the witnesses before him, and takes it all down as a new trial.

843. When you speak of the preparation of a case by the assistant, you allude to a case below 100 rupees?—He prepares it for the opinion of the magistrate; the magistrate may say, this is a case which should go to the commissioner at the next circuit.

844. Is the preparation carried on by the assistant, having the witnesses in the same room, though the magistrate does not interfere?—Every evidence ought to be taken before the English functionary. The assistant takes evidence and tries to make the case as complete as he can before he sends it up to the magistrate, who goes over the case completely, although he does not take it again in writing; but if it goes to the commissioner of circuit the trial is taken down in writing *de novo* before the commissioner.

845. So that the instruction of the assistant is brought in actual contact with the persons?—He is the person who superintends the whole evidence.

846. Is it compatible with the judicial service that a young man should attend the court as a student; could that be made compatible with the practice in judicial courts?—No.

847. You say there is no opportunity in which he could be attending, his services being required immediately after college?—Yes.

848. Would he not be better qualified if he attended as barristers bringing up for the bar attend here?—If you make them barristers you deprive the natives of the office of pleaders.

849. But could you not give him an opportunity of acquiring a knowledge of the law by attending as a student?—I think he acquires it by the preparation of the cases and the taking of evidence.

850. You think that is better than attending as a student?—It is his own interest to get up the case as completely as if it was for his own decision; he is not fettered except by the law, which he must inquire into and study.

851. Does he not act sometimes himself in a judicial capacity as assistant to the judge?—Yes, in petty cases.

852. So that in fact he is to discharge the functions of a judge almost immediately on his leaving college?—In disputes in small cases.

853. At that time surely he cannot be qualified?—He cannot of himself hear a single case until it is sent from the magistrate; he cannot try any case, or look at the papers even, until it is made over regularly by the magistrate.

854. He may give a decision?—If he is ordered by the magistrate.

855. If the magistrate refers a case for his decision he can decide?—Yes; the responsibility of being able to do that rests with the magistrate; if it is made over to him by the magistrate for his decision he can decide it.

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856. You assume that he would not make it over to him if he did not think him qualified?—When I was assistant I had not a case made over to me for six or eight months after I was in the office.

857. In what language are the depositions taken down?—In Persian.

858. Who does that?—A native writer.

859. What means has the assistant of knowing if they are correctly taken down?—By knowing the language.

860. But supposing he does not understand Persian?—He would not be out of the college. Persian is the language by which the assistant is qualified for the service: he has given into his hand a Persian paper, and he is to translate it into English, and an English paper which he is to translate into and write in Persian; he is supposed to be able to read and write after having done this.

861. You think him sufficiently qualified in his knowledge of Persian, in the first instance, to superintend the depositions?—Provided he has passed college, he knows it beforehand; a man the first time does not understand so much as he does by practice after.

862. Do they learn Persian at Haileybury?—Yes; that is one of the tests.

863. And he is examined in Persian before he leaves the College at Calcutta?—Yes. I do not mean that a man when he leaves college reads as fluently as he does after having been in an office for a year or two.

864. You have spoken of the magistrates; what description of persons are the magistrates?—The commissioner on circuit is much the same as the judge who goes of the assizes in England, and the magistrate is there much in the same way as a bench of magistrates at the petty sessions.

865. It is a class of civil service?—Yes: the first step from an assistant is to be a joint magistrate, he then has a portion of district over which there may be a magistrate; he then becomes magistrate, and from that he becomes a commissioner of circuit: the rise from an assistant to a commissioner is not without intermediate grades.

866. The commissioner, the magistrate and the assistant, are all engaged both in judicial and in revenue functions?—Not always; the magistrate is a distinct authority from the commissioner: the revenue duties are performed by the collectors, not by magistrates.

867. That is what you referred to when you said a young man chose what line he would take?—He rises to a magistrate, then he becomes a commissioner; ultimately he is not so well qualified to be a commissioner of revenue as a person who has risen from an assistant to a collector, and thence to a commissioner of revenue.

868. If he keeps to the revenue line his step is to be a collector?—Yes; those who have been totally confined to one branch cannot be so well qualified for the other.

869. Do you think an assistant is ever called upon to give a judicial opinion upon a question before he acquires sufficient experience to do so, that is, soon after leaving the college?—If he is called on for a decision it is not final; every decision is appealable to the magistrate, and every decision of the magistrate is appealable to the commissioner.

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870. In order to qualify himself for judicial duties he has to acquire a general knowledge of law, and also a knowledge of Mahomedan and Hindoo law?—The Mahomedan and Hindoo law (except in cases in which there is caste or anything of that kind) forms a very little part of judicial education; the regulations are the principal thing he must know; the regulations he is bound by his oath of office to conform to, and in their preparation the Hindoo and Mahomedan law were taken into consideration. The regulations are enforced, and they are the law of the land now; he is bound on his oath to administer justice by them.

871. That, then, is his only judicial study?—That is his only judicial study.

872. Are the commissioners at the present moment taken from the class of collectors and magistrates, either one or the other?—They have not been in existence above two years and a half; they then were taken from the boards of revenue as well as the courts of circuit; now, of course, they would be taken according to their standing. A man who would have been eligible to a court of circuit is eligible now to a commissioner of revenue and circuit, and he has the two functions, and if he is of standing in the service he is a commissioner of revenue and of the circuit.

873. He may be equally chosen from the classes of the magistrates or collectors?—The magistrate or the collector equally are steps to a commissionership.

874. Is not experience in the revenue department of some service to a man in adapting him to the judicial?—That is quite a party question. I think a man is a better judge if he knows the detail of revenue proceedings, the same as any man must be a better judge the more information he has. The powers of the magistrates at Madras and Bengal are not equal. It is a common mistake to suppose that the magistrates of Bengal and Madras have the same powers.

875. In what direction does the zillah judge rise?—It used to be assistant, then he was made registrar, and from that a judge, in which capacity he had no magisterial duties at all; no police.

876. To what does he arrive beyond that of being a judge of the zillah court?—He used to rise to the court of appeal.

877. Those provincial courts being removed, what is his next step?—The commissioner; every thing ends in the commissioner. In fact there is no distinction of lines such as used to prevail in the revenue and judicial departments; the union of these two is most prejudicial, in my opinion, in many respects.

878. What is the salary of a commissioner of the circuit?—Thirty-six thousand rupees, and 6,000 rupees for travelling allowance.

879. And what is that of the zillah judge?—Twenty-eight thousand rupees.

880. And of the magistrate?—From 1,000 to 1,600 rupees a month.

881. And of the assistant?—On quitting his college he gets 400 rupees a month, and he gets an increase of 100 rupees; two years after leaving college it is 400 or 500 rupees a month; on that he remains till he gets higher.

Lunæ, 16^o die Aprilis, 1832.

The Right Hon. ROBERT GRANT in the Chair.

IV.
JUDICIAL.

WILLIAM BUTTERWORTH BAYLEY, Esq. called in and examined.

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B. Bayley, Esq.

882. WILL you give to the Committee any information as to the present state of the judicial establishments of the Company, or any suggestions as to the improvements in it which are required and practicable?—I have explained my sentiments on the administration of civil justice under the presidency of Bengal, in a minute recorded in November 1829; on that occasion I observed that the machinery of Lord Cornwallis's system for the administration of civil justice was from the very first inadequate to accomplish more than a small portion of the work it was expected to perform, and that it was soon found necessary to introduce various modifications in that system. The higher courts were from time to time relieved from details of minor importance, the powers of the inferior European courts were increased, the aid of the revenue officers and of assistant judges was called in, the jurisdiction of the native tribunals was largely though very gradually extended, objectionable forms were amended or dispensed with, and more summary processes were introduced, so that scarcely a year had passed since the promulgation of the code of 1793, in which attempts had not been made to remove the grounds of civil controversies, to expedite their adjustment or to reduce arrears of suits, which had nevertheless continued to accumulate. It was the principle of Lord Cornwallis's system to provide for the administration of civil as well as of criminal justice by the almost exclusive agency of European functionaries. The districts into which the country was parcelled out were far too extensive and too populous to be successfully superintended by the individuals to whose charge the judicial administration was entrusted; and where the population amounted, as it did in many instances, to upwards of a million, the duties required from the judge and magistrate were far beyond the powers of the most active and intelligent officer. The difficulties thus experienced have been since augmented in the degree in which the extension of trade and cultivation, the advance in the value of land and the progressive increase of population have multiplied the demands of the public on the time of the civil tribunals. It is obvious that we began by aiming at more than could possibly be accomplished; that the expectation of being able to carry on the administration of justice, civil and criminal, by European agency, was utterly fallacious; that no addition of numerical strength to the European portion of the judicial establishments, which the public finances can at present afford, will do more than yield a partial or temporary relief, and that we must necessarily look to the still more extended employment of natives (subject to European superintendence). The system when originally introduced in the year 1793, was ill calculated to encourage the formation of a class of natives qualified by their education and character to fill responsible situations in the administration of justice; they were employed

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employed at first either in matters only of very inferior importance or under the immediate eye of the judges, but as the necessity of having recourse to their assistance became more and more obvious, the original principle was gradually departed from, and a body of native judicial officers has been formed who now exercise very considerable powers. At first they were entrusted only with the decision of suits for money to the extent of 50 rupees, but in the year 1803 a new class of officers, called Sudder Aumeens, was established. They were invested with power to determine claims referred to them for real and personal property to the amount of 100 rupees. In 1814 their powers and those of the Moonsiffs were increased, and their situations rendered in all respects more efficient and respectable. In 1821 they were still more enlarged, the jurisdiction of the Moonsiffs being extended to cases of 150 rupees, and of the Sudder Aumeens to cases of 500 rupees. In 1827 a regulation was passed, by which the Sudder Aumeens were under certain circumstances vested with power to try claims to the amount of 1,000 rupees; so that, as stated in a minute of one of the judges of the Sudder Dewanny Adawlut, nineteen-twentieths of the original suits instituted in the civil courts throughout the country are now determined by native judges. The most favourable testimony has been borne to their talents and assiduity by many of the authorities to whom they are subordinate, and in the districts where the inhabitants enjoy the benefit of a comparatively efficient administration of civil justice, it is ascribable in a very extensive degree to the instrumentality of those officers. The Sudder Aumeens are now generally men of experience and legal learning; they are assimilated in religion, manners, habits and customs with the people, and they are generally regarded with respect and confidence both by Europeans and natives. The Moonsiffs, where proper persons have been selected, are likewise found to be extremely serviceable, and are well fitted from the local position which they occupy, not only to render justice acceptable to the great body of the people, but to execute a variety of duties delegated to them in the interior of the districts by the superior tribunals. In order, however, to render them generally trustworthy and efficient, they should be placed on a better footing in respect to emolument. With our past experience, we have every reason to believe that if the Moonsiffs as well as the Sudder Aumeens meet with liberal and due encouragement, the agency of both may be safely employed to a much greater extent than it is at present in the administration of civil justice, and that in course of time they may be entrusted with the disposal in the first instance of all original suits now cognizable by the civil courts. But in considering the extent to which powers might at once be raised, I thought it desirable that they should not take cognizance of suits exceeding 5,000 rupees in value or amount. I ascribed much of the success which had attended our efforts to improve the character of our native officers to the caution with which we had proceeded; increased power was conferred upon them so soon as experience justified it, and in proportion to the confidence reposed in them by their fellow subjects. I proposed, therefore, 1st, That the Moonsiffs should be empowered to decide suits for money and other personal property to the amount of 300 rupees, without any restriction as to the period within which the cause of action might arise beyond that which is at present imposed by the regulations on the institution of suits in all other courts, and that they should be remunerated for their trouble to the extent of 100 rupees per mensem. 2dly, That

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2dly, That the present Sudder Aumeens should be empowered to decide generally all original cases referred to them, to the extent of 1,000 rupees, as well as cases in appeal from the Moonsiffs, on a monthly salary of 200 rupees, with an increase of 50 rupees for such as might hold the office of Moolavie or Pundit; and 3dly, That a superior class of Sudder Aumeens should be entertained for the trial and decision of civil suits between 1,000 and 5,000 rupees, and with powers to determine appeals from such decisions of the second class of Sudder Aumeens and Moonsiffs as might be referred to them for that purpose. I recommended that they should be selected from the law officers of the provincial courts, or that other individuals, of whatever class or religious persuasion, should be chosen, who might, in the opinion of government, on the joint report of the local commissioner and judge, be deemed qualified for the trust, and that they should receive a monthly allowance of not less than 500 sonat rupees. Such an arrangement, I observed, would provide for the disposal, through native agency, of the whole of the original suits regularly cognizable by the zillah and city courts up to 5,000 rupees. The appeals from the Moonsiffs would be referred to the ordinary Sudder Aumeens, and appeals from the ordinary Sudder Aumeens would in like manner be referred to the principal Sudder Aumeens, with a special appeal in both cases to the zillah or city judge. The latter officers would be at liberty to retain on their own files any suits they might think proper. It would be the special duty of the judge to superintend and regulate the proceedings of the native judges, reporting through the Sudder Dewanny Adawlut periodically the degree of estimation in which they might be held. I recommended that the summary jurisdiction with which the judges were invested in matters of rent should be transferred altogether to the collectors, whose decisions should be open to revision by the zillah and city judges on the institution of a regular suit, the parties still retaining the option of instituting a regular suit in the first instance in any court, instead of having recourse to summary process before the collector. I recommended the gradual abolition of the provincial courts, and that their jurisdiction should be transferred to the Sudder Dewanny Adawlut, which latter should be divided into two courts, one for the Lower, and one for the Upper Provinces. I observed, that unless a new Sudder Court were established in the Upper Provinces, or several new judges added to the old one in Calcutta, the provincial courts must be kept up, an arrangement which would in the end be attended with a much heavier cost, and was otherwise undesirable. To augment the numerical strength of the present Sudder Court would not produce a corresponding increase of efficiency, and the control of the judges over the remote districts of the Western Provinces would be exceedingly imperfect and unsatisfactory. I thought that the office of magistrate might continue united to that of judge, where the civil business of the district was so light as to admit of it; but feeling that the efficiency which the police had at length attained, compared with what it was twenty years ago, in promoting the security both of person and property, was perhaps the greatest blessing which the inhabitants yet enjoyed under the British Government, I did not desire to see the office of the magistrate generally united with that of the collector. I observed, that by several late regulations the criminal powers of the magistrates had been greatly increased, and their duties augmented, and that in many districts the heavy duties of the collector could

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not be superadded without imminent danger to the public interests. In those provinces where the detailed settlement absorbed, and in the opinion of the best informed persons, would continue for very many years to absorb the attention of the collectors, and where they were in future, by a recent enactment, to undertake the investigation of almost every question which could arise relative to rights and interests connected with landed property, I could not contemplate the conjunction of the two offices in the same individual, without entertaining serious apprehensions, that as heretofore one or other department must suffer in the union. It appeared to me important, therefore, that separate magistrates should be appointed wherever practicable. The following memorandum exhibits, in a concise point of view, the nature and extent of the alterations which would be effected in the system by the measures proposed.

JUDICIAL ESTABLISHMENT.

PRESENT SYSTEM.

1. *Moonsiffs* empowered to receive, try and determine suits preferred to them for money and other personal property not exceeding 150 sicca rupees, provided the cause of action shall have arisen within the period of three years previously to the institution of the suit.

2. *Sudder Aumeens* authorized to determine original suits referred to them to the extent of 500, and specially 1,000, and to hear appeals from the decisions of the *Moonsiffs*.

3. *Registers* empowered to determine suits up to rupees 500, and specially to any extent referred from the judges' file, as well as appeals from the *Moonsiffs* and *Sudder Aumeens*.

4. *Zillah and City Judges* empowered to determine suits to the amount or value of 10,000 rupees, and regular and special appeals from the Registrar and native functionaries.

5. *Provincial Courts* with original jurisdiction in all cases preferred to them, above the value of 5,000 rupees, and appeals regular and special from the *Zillah and City Judges* and *Sudder Aumeens*.

6. *Court of Sudder Dewany and Nizamut Adawlut*, consisting of five judges, a registrar, deputy, &c.

PROPOSED SYSTEM.

Powers extended to 300 rupees, without any restriction in regard to the limitation of time beyond what is contained in the Regulations with reference to suits generally.

Powers extended to 1,000 rupees generally, and appeals from the *Moonsiffs* as before.

Office of Registrar discontinued, and special *Sudder Aumeens* established for determining suits from 1,000 rupees to 5,000, and appeals from the ordinary *Sudder Aumeens*.

Original jurisdiction restricted generally to suits the amount of which is not less than 5,000, and to the cognizance of appeals from the native judicial functionaries; jurisdiction in summary suits for rent transferred entirely to the collector.

Provincial Courts to be abolished as soon as they shall have completed the business now depending before them.

Two *Sudder Courts*, one for the Lower Provinces on the same establishment as before, and the other for the Western Provinces, to consist of three judges, one registrar, assistant, &c.

883. It is understood that the improvements proposed in the latter part of that minute have been in a considerable degree acted upon subsequently?—I have reason

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reason to know that it has been determined to establish a distinct court of Sudder Dewanny Adawlut and Nizamut Adawlut in the Western Provinces, to limit the original jurisdiction of the zillah and city judges to suits above 5,000 rupees in value, all suits below that amount being rendered cognizable by native judges. The salaries of the native judges have been fixed at different rates, some at 100 rupees a month, some at 150 rupees a month, some at 250 rupees a month, and some at 500 rupees a month. The provincial courts are gradually to be abolished as well as the office of registrar, and summary suits for rent are to be transferred to the collectors. In addition to those changes, it has been resolved to unite the offices of magistrate and collector, to confer police powers on tehsildars, to relieve the revenue commissioners from their duties as criminal judges, and to confide those duties to the zillah and city judges. The latter arrangements were not advocated by me; I do not concur in the expediency of generally uniting the offices of magistrate and collector, or of giving police power to the subordinate revenue officers, and I think that the zillah and city judges cannot perform the duties now executed by circuit judges, without precluding them from the effectual administration of civil justice.

884. Will you state what your objections are to the union of the functions of collectors and magistrates?—The objections are very fully stated in paragraphs 185 to 200 of a letter addressed to the Court of Directors by the government of Bengal, under date of the 22d of February 1827. The chief practical objection in my judgment is, that the collectors of the extensive districts in the ceded and conquered provinces, whose time is already entirely occupied by their other duties, and must continue to be so occupied till the formation of a permanent settlement of the land revenue, cannot adequately perform the additional functions of a magistrate and superintendent of police. The same objection may likewise be applied to several collectorships in the province of Benares and in the Lower Provinces. Other objections exist, but this is the principal one.

885. Do you think that on principle there is any objection to the union of the functions of justice with those of revenue?—I do; but the objection does not appear such as to prevent the arrangements where the officers may have leisure and capacity to undertake both duties. The objections to vesting tehsildars and other subordinate native officers of revenue with the power and functions of police officers, appear to me very serious, conceiving as I do that they would be more likely to abuse their authority even than the present class of police officers. My own opinion, as to the best mode of administering the internal affairs of our old established provinces is, that there should be a separate judge, a separate collector, and a separate magistrate in each district; this plan has been urged and recommended in paragraphs 201 to 208 of the letter addressed to the Court of Directors on the 22d of February 1827, to which I have already referred.

886. Will you suggest any improvements which occur to you in the system of administering civil justice?—I have no doubt that by degrees still more extensive powers may be safely vested in the native judges, and that in the course of time our European judicial officers ought to have no other share in the administration of civil justice than that of superintending the proceedings and hearing appeals from the native judges. At the same time I repeat, that much of our success in
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qualifying the natives for such trusts is owing to the manner in which those powers have been gradually conferred upon them. The native judges now decide about nineteen-twentieths of all the causes adjudicated by our civil courts; the delay in those cases does not on the average exceed seven or eight months from the first institution to the decision of the suit. In the remaining cases, which are of higher amount, the delay is undoubtedly great; but generally speaking, the delays of our courts are less injurious, in my opinion, than is supposed in this country. It is of course desirable to expedite the decision of all civil controversies as much as possible consistently with justice; and there are means, in my opinion, by which that object may be promoted. The heavy arrear of civil business in our European tribunals in the Lower Provinces is ascribable chiefly to the precipitation with which the permanent settlement was carried into effect, without sufficiently ascertaining and recording the rights and interests of the various classes of proprietors and cultivators of the soil in relation to each other and to the government. The arrears have been further augmented by growing confidence in our tribunals, by the increased value of land, the increased population, and the march of general prosperity and improvement.

887. When you speak of Europeans superintending the native courts, do you mean that they should be present?—No; I meant merely that they should control and watch over the processes of inferior tribunals, acting as an appellate court, as a court ready to correct errors, to prevent abuses, and to apply a prompt remedy to any evils which might arise.

888. Under such a control, and with a power of appeal hanging over them, you conceive the natives might be fit to carry on the functions of judicature without the presence of Europeans?—Yes, their character and capacity for judicial business is improving every day, but they must be sufficiently encouraged and rewarded. In this case I am persuaded they will prove very trust-worthy.

889. Do you conceive that in that respect in which the natives were unfit, namely moral character, they are improving?—Yes, in connexion with an improved education.

890. State why you conceive that the delay which you admit has taken place to some extent in the administration of civil justice is not so injurious as is occasionally supposed?—I think the delay originates in a great degree in the parties themselves, in both parties being frequently desirous of protracting the decision of the court: suits of large amount may generally be supposed to concern rich individuals, to whom the delay of even two or three years in the realization of a claim is of less importance than of a small amount to a poor man. In the latter class of cases, that is, in 19 out of 20 of the whole number, the delay does not appear very considerable.

891. Do you conceive that means might be taken for expediting the proceedings?—I think so.

892. What are those means?—By far the greatest part of the business in the zillah courts, and no inconsiderable portion of that in the criminal courts (of the Lower Provinces especially) originates in the want of Regulations explaining and recognizing the different tenures, and of records defining the relative rights, interests and duties of the proprietors, tenants and cultivators of the soil. I am persuaded

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that not more than one quarter of the business in our civil courts arises from claims or disputes unconnected with land. For the adjustment of mercantile disputes, debts and simple contracts, little more is required than the application of general principles of equity, regulated by a due regard to established usages and customs. What we chiefly want are accurate records and regulations, defining the rights and interests of the cultivators and proprietors of land, in relation to each other and to the government. An intelligible exposition of Hindoo and Mahomedan law would also be useful. It is true that the principles of the law of inheritance, and generally speaking the main branches of the civil law of the Mahomedans, are pretty well known, and do not very frequently give rise to conflicting or irreconcilable opinions amongst the Mahomedan lawyers. By the aid of precedents in cases decided by the Supreme Court and Sudder Dewanny Adawlut, the leading principles of the Mahomedan civil law might be embodied, and might be determined and recognized without difficulty. It is far otherwise, however, with the Hindoo law. On the most important questions connected with the Hindoo law of inheritance, adoption and gift, different commentators give different expositions, and not only pundits of different provinces, but those at the same place, will often give opposite bebustaks on the same question. Some of the most important questions of this description have been decided by the Sudder Dewanny Adawlut. Reports of the cases have been printed, which now form precedents for the guidance of the civil courts, and the Hindoo law may be considered therefore to be fixed as to the specific cases in point. In addition to those cases, the decisions of the Supreme Court in Calcutta, of the Supreme Court and Sudder Adawlut at Madras, and of the Recorder's Court and Court of Ultimate Appeal at Bombay, on questions of Hindoo law, would furnish other adjudicated precedents, some of which might be adopted and recognized as law. Still these cases would be far too few to serve as a solid basis for general legislation, and a long period must elapse before they would materially increase in number and value. To form a plain, practical and efficient code of laws for the administration of civil justice amongst the Hindoos, and perhaps the Mahomedans also, especially in relation to the most important heads, such as inheritance, adoption, dower, gift and some others, the plan suggested by Mr. Mill in his *History of British India*, appears to me the only one likely to be attended with success. The following extract will show what I mean: "In the first place, as the law, according to what we have already seen, is in a state in which it is to a great degree incapable of performing the offices of law, and must remain almost wholly impotent in a situation in which the deficiencies of law are not supplied by manners, let the law be reformed and put into that state in which alone it is adapted to answer the ends for which it is intended. Let the laws, whatever they may, for the security of existing rights, or the attainment of future advantages, be determined to be, receive what alone can bestow upon them a fixed or real existence; let them all be expressed in a written form of words, words as precise and accurate as it is possible to make them, and let them be published in a book." This is what is understood by a code; without such a code there can be no good administration of justice in such a state of things as that in India; there can, without it, be no such administration of justice as consists with any tolerable degree of human happiness or national prosperity. In providing this most important instrument of justice, no further

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further difficulty will be found than the application of the due measure of virtue and intelligence not to be looked for in the classes whose interests the vices of the law promote. Sir William Jones and others recognized the demand for a code of Indian law, but unhappily thought of no better expedient than that of employing some of the natives themselves, as if one of the most difficult tasks to which the human mind can be applied, a work to which the highest measure of European intelligence is not more than equal, could be expected to be tolerably performed by the unenlightened and perverted intellects of a few Indian pundits. With no sanction of reason could anything better be expected than that which was in reality produced, a disorderly compilation of loose, vague, stupid or unintelligible quotations and maxims, selected arbitrarily from books of law, books of devotion, and books of poetry, attended with a commentary which only adds to the mass of absurdity and darkness, a farrago by which nothing is defined, nothing established, and from which, in the distribution of justice, no assistance beyond the materials of a gross inference can for any purpose be derived. To apply the authority of religion, or any other authority than that of the government, to the establishment of law, is now unnecessary, because the great and multiplied changes which the English have made in all the interior regulations of society have already destroyed, in the minds of the natives, the association between the ideas of religion and the ideas of law. But at any time for combining the authority of religion with that of law, nothing more was required than what might still be advisable, namely, to associate the most celebrated of the pundits. For digesting the law into an accurate code, such men would be altogether unqualified; but they might lend their peculiar and local knowledge to him to whom the task is assigned, and they might easily and effectually annex the authority of religion to his definitions, by subjoining quotations from their sacred books, and declaring the words of the code to be the true interpretation of them. The law of the natives, and the minds of its interpreters, are equally pliant. The words to which any appeal can be made, as the words of the law, are so vague and so variable, that they can be accommodated to any meaning; and such is the eagerness of the pundits to raise themselves in the esteem of their masters, that they show the greatest desire to extract from the loose language of their sacred books whatever opinions they conceive to bear the greatest resemblance to theirs. It would require but little management to obtain the cordial co-operation of the doctors, both Moslem and Hindoo, in covering the whole field of law with accurate "definitions and provisions, giving security to all existing rights, and the most beneficial order to those which were yet to accrue." The difficulty of successfully executing a task of this nature is considerable. The public officer or officers employed upon it should be in possession of qualifications not ordinarily to be found in the same person, viz. a familiar acquaintance with the habits and feelings of the natives, an intimate knowledge of the Sanscrit language, some, if not a very extensive, acquaintance with the civil laws both of ancient Rome and of the nations of Europe, a clear and comprehensive judgment, and great industry. The promulgation of a code so concocted and supported by the opinion of the pundits and moolvies, as to its general correspondence, in its main features, with the doctrines of Hindoo and Mahomedan commentators, would not shock the prejudices of the natives, although it might be found in some instances to differ from

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the construction commonly prevailing in some parts of the country, or amongst some tribes and sects, and in others even to be decidedly at variance with principles hitherto more generally recognized. The minute subdivision of real property, which both the Hindoo and Mahomedan laws of inheritance have a rapid and direct tendency to produce, is a very serious evil, and might be beneficially restrained. It might also be rendered imperative that all mutations and transfers of real property, all wills, deeds of dower, gift and adoption, should be recorded in registry-offices established on similar principles to the registry required by law in Scotland, Middlesex, and part of Yorkshire. Benamie transfers or transfers in fictitious names of real property might be guarded against. With regard to Regulations which relate to particular branches of revenue, such as salt, opium, customs, stamps, coinage, or to the duties, powers and functions of different classes of our native officers, or to the forms of procedure in any particular department of the administration, the details of each subject might be consolidated and included in a distinct law, to which all subsequent rules or emendations might be annexed as a supplement. This has already been done in many instances in Bengal, and generally at Bombay. All or most of these measures would be beneficial; but they appear to me to be matters of much less importance than that of defining and recognizing the claims, rights and interests of the various classes of cultivators, farmers and proprietors of the land. To the want of such information is to be ascribed almost all our difficulties in the administration of civil justice, and the chief part of whatever distress and oppression prevails in the Lower Provinces.

893. Would it not be possible to make provision in any code for the various customs of different districts?—Certainly. I do not of course propose that there should be one code for the whole of India, or for all the provinces under one presidency; but by supplying the defect which I stated of the want of records, by defining the rights and tenures of the cultivators of the soil, and the different classes of tenantry, we should do more to diminish the mass of civil business, than by any other measure which occurs to me.

894. Notwithstanding our administration of civil justice has been defective, do you think it has been sufficiently good to attract the confidence of the natives in general?—I do. Their confidence in the European courts proceeds no doubt from their opinion of our greater integrity, and the superiority of our moral character; but if the natives had the same advantages in those respects, I should consider them infinitely better qualified for the administration of justice in India than any European possibly can be.

895. Do you conceive that the natives would become qualified for the situation of justices of the peace?—I feel more hesitation in giving an opinion as to their fitness at present to exercise the powers of a magistrate, but I see no reason why by degrees they should not be entrusted with duties of the nature alluded to. They are already empowered to take cognizance of, and to punish for petty offences.

896. Would there be an objection to render them eligible to be justices of the peace, at least at the presidencies, leaving it to the local government to select individuals who might be qualified to discharge the duties of the office?—Under the vigilant superintendence of an European officer, the experiment might be tried without material danger, but I do not think they could yet be trusted

trusted with extensive magisterial functions, especially at a distance from European superintendence.

897. Are there any defects in the laws on any particular subject which you think require to be removed?—I think it desirable that the laws on the subject of usury should be modified or abolished. Our laws with regard to interest are, that claims upon bonds, &c. stipulating for more than 12 per cent. are void so far as regards the interest; a plaintiff cannot obtain a judgment for interest in such cases, though if the rate of interest has been openly stated on the face of the document, however much it may exceed the legal rate, our courts can give judgment for the principal; if, on the contrary, there be any attempt to elude the law, by a deduction from the loan, or by other disguise, neither principal nor interest can be recovered in our courts. In lieu of this law, I would leave parties at liberty to fix their own terms, without any restraint whatever.

898. You would have the rate of interest wholly unregulated by law, and that that particular agreement should be vitiated as others would be, only by fraud?—Just so.

899. The rate of interest is now much below 12 per cent., is it not?—Among respectable bankers and European traders in large towns, the rate of interest is much below 12 per cent., but in small dealings in the interior among the natives, it is much larger; 24 and 30 per cent. is not at all unusual. The borrowers pay, of course, for the risk which is run by the lenders in violating the law. Another measure which would facilitate the administration of justice has been already adverted to; I mean the registry of deeds in the manner long practised in Scotland. The process also in cases of bond debts, and of other claims on written documents, might be materially simplified, and the decision of such cases greatly expedited. We might limit the minute subdivision of landed property which now prevails to an injurious extent both amongst Hindoos and Mahomedans. Lastly, I would say that every effort should be made to raise the standard of qualification of European judges, as well as of native judges.

900. In what manner do you conceive that the qualifications of the native judges may be raised?—By suitable salaries and a more perfect education. Integrity is in one sense a purchaseable article, and by paying the natives whom we employ more liberally, we shall have a much better chance of securing that qualification in which they are most deficient. By the process of an improved education we are now raising up men infinitely better fitted by their knowledge for the discharge of judicial and other duties than the country has yet furnished.

901. Would the increased emolument have the effect of merely improving those who would otherwise attain those situations, or be candidates for them, or do you think it would be the means of attracting into the profession men of a higher caste?—It would sometimes perhaps attract men of higher rank, and possessing better qualifications, and the enjoyment of an office of considerable emolument would generally render the temptation to be corrupt much less powerful, and would make men careful to avoid the hazard of the loss of their offices by misconduct.

902. With regard to the qualifications of the Europeans who are to exercise judicial functions, what means would you suggest for the improvement of those?—By a more careful selection in England of the individuals who are destined for the civil

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civil service generally, and in India by a selection of the very ablest and most competent of those civil servants for judicial offices.

903. Are not the fittest persons selected in India for judicial situations, generally speaking?—For the higher offices I think they are, but not always for the situation of zillah and city judges. I think that latterly the feeling has been towards appointing the ablest men to the revenue department, the duties of which are indeed highly important, particularly in the Western Provinces.

904. What effect has the institution at Haileybury had with regard to the qualifications of the writers, as evinced in India?—Speaking from a general recollection of the young men of my own standing, and of those who subsequently came out before the College at Haileybury existed, I should say that I have not observed any very material improvement from the education of Haileybury. Better qualified persons for the civil service in India might be obtained by appointing to Haileybury two or even three individuals for every one individual who is ultimately destined for the civil service in India, so that out of 20 or 30 men the 10 best should be selected. It is in vain to deny the fact, that very unfit men have occasionally gone out as civil servants to India. Another suggestion which I have heard is, that officers for civil duties in India should be selected from the general body of military officers in the Honourable Company's service, after they shall have been for a considerable time employed in the country, and their qualifications, talents and capacity shall have been fully developed and ascertained.

905. According to that scheme, all those who are to serve the Company would go out as officers in the army, and be eligible afterwards for civil situations?—Yes; the prize would be so valuable that it would induce a great number of the young officers to study the languages, and to conduct themselves with propriety, and generally to qualify themselves for situations in the civil service; the only danger would be, that undue influence might be used in the selection of the individuals.

906. Would not there be a danger of raising discontent in the army on the part of those not selected?—That danger certainly would exist in some degree; but the same objection may be urged against a selection of officers from the whole body of the army for staff situations, not merely of a strictly military nature, but of a civil nature. Several military men are employed in the political department, and in charge of districts as collectors and magistrates.

907. Would you recommend the adoption of the plans you have proposed; or do you merely suggest them for consideration?—I merely allude to them as deserving consideration, not having formed any very decided opinion upon the subject myself.

908. Recurring to the questions of qualification to be acquired in England by writers going to India, do you conceive that means should be taken of giving a full education in the principles of law to the writers, or some of them; or would it be proper that the selection of European servants for the judicial or other situations should be made only in India?—I am of opinion that it would be desirable that the education of young men destined for the civil service in India should be carried to a greater extent than it is at present in England; that they should not go out to India much before the age of 21 or 22; that they should have every possible advantage

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advantage of general education in England, without any of their time being sacrificed, as I think it is sacrificed, to the study of native languages; and that the selection ultimately for judicial offices should be made exclusively in India: but I would give, if possible, to those young men who in India make choice of or are selected for the judicial department, special opportunities of attending the superior courts of justice, both the Supreme Court and the Sudder Dewanny Adawlut. Instruction in the general principles of civil law and the laws of evidence would be useful; but I would say, that no one can be well qualified for a judicial office in India without going through some of the details of the revenue department in the interior of the country, as giving them the opportunities of becoming familiarly acquainted with the language, the people, and the usages of the country, and with questions most frequently litigated in our courts of justice.

909. On the supposition that a young man, in the course of education in this country, showed any particular aptitude or inclination for some specific branch of study, do you see any objection to allowing his proving his qualification to go out, by his superior eminence in that department, without exacting from him an average share of qualification in other departments?—I am aware of no objection, provided his general character and past conduct be also satisfactory. A habit of dissipation and extravagance should be a complete disqualification for the service; it has, in individual instances, proved very injurious to the administration of India; and that is one motive for recommending that civil servants should leave England at a later period of life than they do at present.

910. Have the young writers arriving in Calcutta had opportunities of dissipation and temptations to it, which under a better system might be avoided?—There can be no doubt that the collection together of a number of young men in a place like Calcutta, which affords great facilities for dissipation, has led to much extravagance and much injury to individuals and the public; but of late years, during the administration of Lord William Bentinck, the mischiefs arising from that cause have, in my opinion, been materially diminished, so as not now to form any solid ground of objection to the College in Calcutta. Under the present vigilant superintendence, no young man who is either in a slight degree dissipated or habitually neglectful of his collegiate studies, is permitted to remain in Calcutta, but is immediately removed to a station in the interior of the country, and placed under the eye of some respectable civil servant. Those who do remain in Calcutta, who have no such tendency to dissipation, possess great facilities, by the establishment of the College of Fort William, for the acquisition of the native languages, and the period employed in acquiring those languages is very much shortened in consequence.

911. Do you think that a young man going out so late as 21 or 22 would be able to acquire the native languages sufficiently for the purposes of judicature?—I have no doubt that the acquisition of the languages would be rendered more difficult by the difference of age, but I see nothing to prevent a man at the age of 21 or 22 from acquiring the native languages with sufficient accuracy to transact those duties which would eventually devolve upon him.

912. If a writer does not go out till 21, might he not previously acquire some acquaintance with the rudiments of the languages, without its interfering with his general acquirements?—He certainly could do so; I have known individual in-

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stances of men coming out to India well acquainted with the Persian language, who have had no other instruction than that which England afforded to them; but there are so many more facilities for acquiring the languages on the spot, that it is almost a waste of time to study them in England. That time might be devoted to more important studies.

913. Do you think a person arriving there at 22 could acquire the language so as to hold familiar conversation and communication with the natives in their own language?—I see no reason why he should not; the organs of utterance are certainly not so flexible at a more advanced age, and probably he will not speak, as he would by learning at an earlier age, quite so idiomatically or with so perfect a pronunciation, as he would if he learnt the language on the spot at an earlier age.

914. You think it is not at all an insuperable obstacle?—I think it is not.

915. Will you state what is your opinion as to the efficiency of the present system of criminal justice established in the Company's courts; can you suggest any improvement in it?—I entertain, upon the whole, a very favourable opinion of the manner in which criminal justice is administered in the interior of the Company's provinces in the Bengal Presidency; our criminal laws are mild in the degree of punishment they award; prisoners are brought to trial without any great delay; abundant care is taken to guard against their being convicted unjustly; and, upon the whole, I think the system works very well. I am possessed of a memorandum intended to show the operation of the criminal laws and the state of crime under the Bengal Presidency. The Memorandum in question, with the Tables annexed, were prepared by the late lamented and very intelligent public officer, Mr. Edward Strachey, who sent them to me not long before his death. It was his intention to have submitted them to the Committee, as containing a full and satisfactory view of the operation of the criminal laws as administered in Bengal. The Memorandum commences with a short explanation of the system of police and criminal judicature established in the Lower and Western Provinces, explaining the powers and authorities exercised by the magistrates, the judges of circuit, and the Nizamut Adawlut. The Tables exhibit a list of the most heinous crimes ascertained to have been committed in the Lower and Western Provinces of Bengal for a series of years, the number of commitments and convictions in the criminal courts, with the punishments to which those convicted were sentenced. The results are afterwards compared with the convictions and punishments in England and Wales, in Ireland, and in several countries in Continental Europe.

[The witness delivered in the same, which was read. —See p. 126.]

Of late years the punishments formerly applicable to crimes of different denominations have been very much mitigated in severity; extraordinary care is paid to the comfort and health of the prisoners confined in our gaols; our police officers have been furnished with a manual of instructions (Regulation XX. 1817), which I conceive to be valuable in themselves, and to have operated to prevent in a considerable degree abuses which formerly were prevalent among the police officers; and, generally speaking, the whole system of police and administration of criminal justice has greatly improved of late years, and is in practice very efficient. I am of opinion that the use of oaths in our courts of justice might be abandoned with-
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out injury, if not with advantage; the great cause of failure in the administration of criminal as well as of civil justice is the habitual disregard for truth, which unhappily pervades the bulk of the native community, and the little security which the obligation of an oath adds to the testimony of witnesses. I do not believe that this characteristic vice of the natives of India has been fostered or increased by the establishment of our courts of justice, as is generally imagined; the same vice has been found to prevail to at least an equal extent in Mysore, in the Mahratta country, and in other parts of India, to which our authority has not extended, and where our institutions were totally unknown; false testimony has, in certain cases, been directly encouraged and approved by the sanction of the great lawgiver of the Hindoos; the offence of perjury can be expiated by very simple penances, and the inhabitants of India generally must undergo a great moral regeneration before the evil which saps the very foundations of justice, and bars all confidence between man and man, shall be effectually remedied. My own impression is, that, generally speaking, the moral sanction of an oath does not, especially among the lower classes, materially add to the value of native testimony; that the only practical restraint on perjury, is dread of the punishment prescribed by law for that offence, and that the fear of consequences in a future state, or the apprehended loss of character and reputation amongst their countrymen, has little effect in securing true and honest testimony on the part of those who may be influenced by the bias of fear, favour or affection. I think the experiment of dispensing with oaths in civil and criminal cases of minor importance might be tried in the first instance, and afterwards extended, if it succeeded, to cases of higher importance. Already persons of respectability are exempted from taking an oath in our courts of justice on signing a solemn declaration, prescribed by the Regulations. Retrospective oaths are no longer taken by the law officers of our civil and criminal courts; and the ministerial native officer of the courts of judicature, and other native officers employed in the judicial or revenue departments, or in any public office whatsoever, are no longer compelled to take and subscribe an oath previously to entering upon the discharge of the duties of the office, but are now required only to subscribe a solemn declaration to the same effect. Every effort has been made by the government to promote a knowledge of our laws, by publishing, both in the English and native languages, abstracts and digests of them, as well as precedents of cases decided by the highest tribunals, and by instructing those natives who are destined for public situations in the principles of our judicial administration, as far as it can be done in the colleges and seminaries established by government. The progress of education in India within the last six or eight years, has been very rapid; and if funds could be afforded, a much larger supply of native officers, fitted for the administration of the affairs of the country, might be furnished. I do not think that there is any chance of the English language being introduced generally, or being made a substitute for the Persian language in our courts of justice; it might indeed be brought into use by degrees in the districts immediately proximate to Calcutta, but even then I should doubt the advantage or utility of a change.

916. Is the evidence of witnesses who do not understand Persian, put down in the Persian language, and in that only?—Every witness has the option of having his evidence taken down in Persian, or in the language or dialect with which he is

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most familiar, and in Bengal, I believe it to be the general practice to take down and record the evidence of the Hindoo natives of Bengal in the Bengalese language. Mahomedans, who speak the Hindostanee language, generally have their evidence taken down in Persian; the Hindostanee language having no proper character of its own, and Persian being understood by every Mahomedan of education. In the Western Provinces the dialects are various, and the Naguree character cannot be written very rapidly. On these accounts the evidence is, I believe, generally recorded in the Persian language.

917. You have stated your opinion as to the present state of civil and criminal justice in the courts of Bengal, and have suggested some improvements. On the supposition that there was an increased number of Europeans, either as settlers or as mere residents in the interior of the country, do you conceive that the present courts, or generally the present judicial system of the country, could remain, or that the improvements to which you have adverted could be in that case successfully introduced?—My answer to that question would be guided a good deal by the number of Englishmen likely to proceed to India. If the number were small, I should not consider any changes exclusively for the benefit of those few individuals necessary; if the number, on the contrary, was very considerable, and if it were designed to encourage the influx of Englishmen into the interior of India, then undoubtedly some changes would be desirable; but whatever changes are effected, if they are really improvements, should be shared by the natives in an equal degree with Englishmen. I think that we ought not to legislate with a special regard for Englishmen, and that the natives have a superior claim to consideration in questions of improving our system for the administration of justice in India. At the present moment foreign Europeans, Frenchmen, Dutchmen and Germans, of whom there are many individuals in the interior of our provinces, are subject to our laws and tribunals, civil and criminal, on precisely the same footing as the natives of India, and I have never heard of any serious complaints upon that point; at the same time, whatever improvements in the laws themselves or their administration may be desirable, should I think be left to the local administration in India, and should not emanate, except as regards general principles, from England. If the Parliament of Great Britain could be satisfied with leaving the legislative powers in the hands of the Governor-General and Council exclusively in India, I should prefer that to a Legislative Council; but if, as is perhaps to be expected, such should not be considered desirable, I see no objection to the plan proposed in Bengal of establishing a Legislative Council, comprising the judges of the Supreme Court and the members of government; nor should I see any objection to the admission of other persons into the Council, provided they were to be selected by the government in India, with the approbation of the home authorities.

918. If increased facilities were given to the entrance of Europeans into the interior of the country, and to their residence and settlement, do you think that a materially increased number of British subjects would be found to avail themselves of such facilities?—My impression is, that very exaggerated notions are entertained in England both of the advantages and disadvantages likely to result from affording increased facilities to the admission of British subjects into the interior of India.

I do

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I do not think there would be any great influx of Englishmen, under any advantages which could be held out to them in India, or that they would bring any great accession of capital to that already existing there; and I do not, therefore, anticipate either any large benefits or any considerable injury from such a change in the present system.

919. What are your particular reasons for supposing there might not be a considerable influx of Europeans into India, if there were unlimited powers given to them to resort thither?—I think that of late years those who were desirous of settling there have had little or no difficulty in doing so. The government of Bengal has rarely, if ever, refused the application (however contrary to law) of individuals who wished to go into the interior of the country; and the Board of Control have, I believe, granted permission in instances in which it had been refused by the Court of Directors. My opinion that no capital will be brought from England into India arises from little or none having been brought hitherto, even at periods when interest has been at a much higher rate than it now is.

920. Do you think more capital would not go to India if the restriction on Europeans resorting to India was altogether taken away?—I do not think that capital would be sent from England, but I think that capital which would be otherwise remitted to England would probably remain in India.

921. Do you not think that Europeans without capital, persons of broken fortunes and character, might be tempted to go out as adventurers?—That is a mischief to be apprehended; but I think that they would fail of success there, and that their residence would be of short duration.

922. Might they not in the meantime create disturbance in the interior of India, if they were allowed indiscriminately to go there?—I think if there were no power vested in government to remove them that would be the case.

923. You think that a discretionary power ought to be vested in the government of India to remove Europeans who disturbed the peace of the country?—I would say, it is not necessary to remove them from India, but that a discretionary power should be vested in the government of removing them from the interior of the country to the presidency. I think that permission should be obtained by individuals wishing to go from Calcutta into the interior, and that the government should have the power of removing individuals grossly misconducting themselves from the country to the presidency; Europeans might be guilty of violent, insulting and offensive conduct, which though not perhaps punishable by law, might be extremely irritating and distressing to the natives.

924. You think that might answer the purpose without the power of deportation?—Yes, I think that the latter would then be unnecessary. So long as the government could remove them from the interior to Calcutta, the chief cause of danger would cease.

925. Supposing, for argument sake, an increased number of Europeans in the interior of the country subject to provincial judicature, do you think it would be possible in that case to extend the powers of employment of natives as judges in the provincial courts in the manner contemplated by some of your previous answers?—I think that under no circumstances would an Englishman residing in the interior

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of the country like to be subjected to the jurisdiction of a native judge either civil or criminal.

926. Do you think it advisable that he should be?—I cannot say that I do; unless the number of Europeans were great, I see no reason why an European judge should not be associated with a native judge in the cognizance of the few cases where Europeans were parties, the other parties being natives.

927. How far are foreign Europeans who reside in the interior of the country subject to the jurisdiction of the Company's courts?—In criminal cases they are subject like the natives to the jurisdiction of the Magistrates' Court, the Court of Circuit and the Nizamut Adawlut, all of which are superintended by British European subjects, and are not liable to be sentenced to punishment by a native. The only natives who are vested in any degree with the administration of criminal justice are the Sudder Aumeens, to whom petty cases are referred, assaults and trespasses and petty thefts and slight misdemeanors, at the discretion of the magistrate. In such cases they can award a judgment of imprisonment not exceeding fifteen days, and a small fine, but not corporeal punishment.

928. May those judgments be carried into effect without the authority of the magistrate?—The parties have a right to appeal to the magistrate from them, but if there is no appeal they are carried into effect.

929. Would Europeans, not British subjects, be subjected to those persons?—If the magistrate chose to refer the case to them they would, but that has rarely, if ever, been done, and I think it would be generally considered objectionable. In civil cases, a foreign European would have his claim decided precisely in the same manner as the natives themselves.

930. Has the circumstance of a foreigner, being subject in civil cases to the jurisdiction of the country courts, been found to operate as an obstacle to foreign Europeans settling or residing in those districts?—No, I do not think that their being subject to those courts has operated in the slightest degree to prevent their settling in India. Generally speaking, I should say the magistrate would not refer the cases of foreign Europeans to native judges, but would rather retain them on his own file, and this not from consideration to the European, but to the native judge himself; the danger being, in my opinion, that the native judge would either from fear or other motive be inclined to do more for the European or British subject than for the native.

931. Do you think that the employment of the natives in the administration of civil justice in India beyond that you have mentioned, would be satisfactory to the natives themselves?—I think that the natives employed as judges will, if properly treated and remunerated, merit and receive increased confidence from their countrymen as well as from Europeans, and this in the administration of criminal as well as of civil justice.

932. Can you give the Committee any information with respect to the costs of suit in the country courts of Bengal?—The amount of the expense to which the parties are subjected in the adjudication of cases in our civil courts in the interior of the country, has, I think, been misunderstood; the costs incurred by both parties in civil suits cognizable in the courts of Moonsiffs and Sudder Aumeens, which vary in their value from 10 to 500 rupees, or from 1*l.* to 50*l.* sterling, including

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cluding the expense of both parties from the commencement to the conclusion of the suit, amount on an average to 22 per cent. In suits from 500 to 5,000 rupees, or in those ordinarily cognizable by the Zillah Judges, the costs to both parties, as above explained, average about 16 per cent. of the value of the thing litigated. In the class of suits tried by the Provincial Judges, the expense is, on the average proportion, nine per cent. In suits cognizable by the Sudder Dewanny Adawlut, about six per cent. Those results were founded on official inquiries made in the year 1818; they include all authorized costs and expenses of every description charged to both plaintiff and defendant, the institution fee, the fees on exhibits and processes of all kinds, stamps, paper, pleader's fees, allowances to witnesses, &c. The amount is charged in the decree to the plaintiff or to the defendant, or divided between the parties, according to the nature of the decision. The expense, considerable as it appears in cases below 500 rupees, is not heavy, when compared with that incurred by litigants in courts of law or equity in England in contested claims to a similar amount.

933. If a suit goes through all its stages, the per-centage must be added in each court?—Yes; but in appeals the expense of taking fresh evidence is rarely incurred, and the pleadings are much shorter.

934. Are you favourable to the mode of trying by punchayet?—The subject of the punchayet has been very fully discussed in paragraphs 33 to 72 of a Despatch, dated 22d February 1827, from the Bengal Government to the Court of Directors. That Despatch contains a general review of the judicial administration, civil and criminal, under the Presidency of Bengal; and I beg leave to refer to it for my sentiments generally on the actual state, and the means of improving our judicial system.

See Appendix.

I am adverse to the introduction of punchayets as a formal and legalized part of our system for the settlement of claims to real or personal property, but as an institution for regulating questions of caste and religious discipline, of alleged breaches of the conventional rules or bye-laws of trades, professions, societies or classes of people united for civil or religious purposes, I consider the punchayet to be highly useful; it exercises a species of jurisdiction for which our tribunals are particularly ill qualified, and it is very important that the jurisdiction should remain as long as possible with those to whom it is confided by the voluntary acquiescence and submission of the parties most deeply interested.

It is a subject of regret that the natives can rarely be prevailed upon to submit ordinary civil controversies to the adjustment of a punchayet by arbitration.

Every European judge urges and encourages parties in suits before him to adopt this course, but with very little success. I may observe, that the Bombay Regulations authorize the European judges presiding over civil or criminal courts to seek assistance, whenever they may desire it, from respectable natives, by employing them as assessors; but without allowing their opinion to bind or control the final decision of the judge.

I think that a similar rule might be adopted with advantage in the courts under the Bengal Presidency.

15 April 1832. TABLES intended to show the Operation of the CRIMINAL LAWS and the State of CRIME in BENGAL; referred to in the Evidence of *W. B. Bayley, Esq.*, p. 120.

REMARKS.

THE countries here referred to are not the whole territory under the Bengal government, but that part of it only (called the Lower and Western Provinces) which is subject to the General Regulations.

Some explanation of the system of police and criminal judicature established in those countries is necessary before the Tables are particularly noticed.

The police jurisdictions under darogahs were originally intended to include spaces of about 20 miles square, but they are of greater or less extent as circumstances require. There are from 15 to 20 thannahs or darogahs' stations in a zillah, the total number being in the Lower Provinces near 500, and in the Western near 400. At each station under the darogah are a mohurer or writer, and a jenadar, with from 20 to 50 burkundaues, peons, or irregular soldiers. It is not to be understood that the whole business of the police is performed by these establishments. The zemindars or their agents, or other local officers or servants under them, are required to give immediate information at the principal police station of all crimes committed within their limits, and the duty of tracing and apprehending criminals is chiefly performed by the village officers or servants under the occasional direction and supervision of some person from the thannah.

The darogahs report their proceedings regularly to the magistrate, and receive orders from him. Their principal duties are to receive criminal charges, to hold inquests, to forward accused persons with their prosecutors and witnesses to the magistrate, and generally to perform such acts as the regulations prescribe with a view to the discovery, apprehension and ultimate trial of offenders. The darogahs are prohibited from taking cognizance of charges for adultery, fornication, calumny, abusive language, slight trespass, and inconsiderable assaults; persons who prefer such complaints are to be referred to the magistrate.

The magistrate's duty is to apprehend all disturbers of the peace and persons charged before him with crimes and misdemeanors; he is authorized to try complaints for certain offences, and to punish to a certain extent. In other cases he commits offenders to be tried before the Court of Circuit. In cases of burglary, theft or other depredations not amounting to robbery by open violence, and of affrays unattended with aggravating circumstances, the magistrates are empowered to inflict punishment as far as two years' imprisonment, with hard labour and stripes with a rattan. For other offences the magistrates are empowered to punish as far as imprisonment for one year, or fine not exceeding 200 rupees. The crimes for which magistrates are authorized to inflict these punishments are in the regulations only, referred to generally in these words: "In all cases of conviction before them of any criminal offence punishable by the Mahomedan law and the Regulations,"* magistrates' assistants, when specially authorized by government, are empowered to punish to the extent of imprisonment for a year, or 200 rupees fine; and in cases of theft, 30 stripes with a rattan. Assistants not vested with special powers are authorized to punish in various cases of petty offences to the extent of 15 days' imprisonment, and a fine of 50 rupees, commutable,

* The Regulations, however, do not specify what those offences are which are punishable by the Mahomedan law, nor do they require that any reference should be made by the magistrate to a Mahomedan law officer, as in the Court of Circuit; and the offences declared by the Regulations to be punishable by the magistrates are spoken of merely as petty offences; such as abusive language, calumny, inconsiderable assaults, or affrays and petty thefts.

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mutable, if the fine be not paid, to 15 days further imprisonment; and in cases of petty theft, to the extent of 30 stripes with a rattan, and a month's imprisonment. The Hindoo or Mahomedan law officers of the Zillah Courts also are empowered to try petty cases referred to them by the magistrates, and to inflict punishment to the extent allowed to assistants not vested with special powers. There were in 1825, in the Lower and Western Provinces, including Cuttack, 63 stations of magistrates and joint magistrates.

The Courts of Circuit, before the changes introduced in 1829, consisted each of four or more judges, with two Mahomedan law officers. There were four of these tribunals at principal stations in the Lower Provinces, and two in the Western. When the judges were on circuit, one of them, with a law officer as an assessor, formed a court, and held half-yearly sessions and gaol deliveries at each station, the judges going in rotation within their own divisions. Before this court all prisoners committed or held to bail by the magistrate were tried. The number of stations of magistrate and joint magistrates visited by them, were 29 in the Lower Provinces, and 21 in the Western. The duties of the circuit are in future to be performed by a commissioner; but the rules for the conduct of this officer as a judge of circuit are generally the same as the old ones. When the proceedings on a trial are closed, the law officer gives his futwa, or law exposition on the case. If the futwa acquit the prisoner, the judge, if he concur in the acquittal, orders the prisoner to be released. If the futwa declare the prisoner guilty, the judge, if he concur, and is empowered by the Regulations to pass final sentence in the case, passes sentence accordingly. If he disapprove the futwa, or is not authorized to pass a final sentence, he refers the proceedings to the Nizamut Adawlut. The judge of circuit is competent, in certain cases, to pass sentence to the extent of 14 years' imprisonment, and corporeal punishment. If the prisoner be liable to perpetual imprisonment, or the punishment of death, the proceedings are sent to the Nizamut Adawlut; in the former case sentence is passed by the judge of circuit, but it requires the confirmation of the Nizamut Adawlut, and in the latter he does not pass sentence. The Mahomedan law (notwithstanding the futwa) is not always the guide of the circuit judge, it is modified by many enactments of the Regulations, and it is according to the Regulations, and not, strictly speaking, according to the Mahomedan law that criminal justice is administered in the Courts of Circuit. These courts are bound to conduct their proceedings under prescribed rules. They are, moreover, vested with powers of superintendence and control over the magistrates within their respective divisions. They can call for the magistrate's proceedings, and pass such orders on them as they think proper. The judges on circuit, after their half-year gaol deliveries at every zillah station, make a report to the Nizamut Adawlut, comprising an account of all such matters as they deem of importance to communicate relating to the police and administration of criminal justice in each zillah, with any propositions for improvement which they may think fit to make, and the Nizamut Adawlut forward the reports with their comments to Government.

The Nizamut Adawlut, or superior criminal court stationed at Calcutta, has for some years past consisted of five judges, with a sufficient number of law officers. By this court orders or sentences are passed on trials referred to them by the Court of Circuit. They are empowered to mitigate punishments, and in cases not specially provided for, they can inflict on criminals, punishment to any extent short of death. They superintend and control the proceedings of the Courts of Circuit and the magistrates; they take cognizance of all matters relating to the administration of justice in criminal cases, and to the police of the country, and they expound the Regulations in all doubtful points.

The powers of all the judicial officers have been from time to time defined and modified by various regulations, and rules of procedure, with every check against abuse, and every safeguard for justice that could be devised, have been prescribed. In every case provision is made for the due reception of all evidence on both sides, all the proceedings are recorded, and all (except those before the Nizamut Adawlut) are subject to a revision by a superior court.

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Although all final sentences of death, or perpetual imprisonment, are passed by the judges of the Nizamut Adawlut, the opinions of the judges of circuit, of the law officers, of the Court of Circuit, and of the law officers of the Nizamut Adawlut, must be submitted to them with the trial in every case, and must be considered before such sentences can be passed. Under the checks thus provided, the fate of persons subject to the extreme penalty of the law is decided with the most scrupulous care and humanity*.

In some parts of Europe (England and France for example), where information affecting the interests of men in society is extensively and easily diffused, most of the offences highly injurious to individuals or to the community are made generally known soon after they are committed, but no accounts of them are recorded; and it is only by statements of the operation of the criminal courts that any sort of approach can be made to an official knowledge of the number of crimes committed throughout the country. In India, however, the state of things is different, and unless through the intervention of officers employed by government, the commission of offences is little known beyond the immediate neighbourhood of the place where they have occurred. It is the special care of the Bengal government to procure an account of every considerable crime committed in the country, whether the culprit be brought before a tribunal or not; but the statements of the number of persons convicted of different crimes, especially those referred to the Nizamut Adawlut, are yet in an imperfect state.

The yearly reports made to government by the superintendents of police contain statements of the number of heinous crimes committed in each zillah or magistrate's jurisdiction, distinguishing them under several heads, of the computed value of property robbed or stolen, and recovered; of the number of persons supposed to be concerned in the crimes committed; of the number convicted and acquitted before the Courts of Circuit and the magistrates, their assistants and law officers, and of the number of persons in confinement in the several gaols at the end of the year. The superintendent sends also occasionally special reports to government, and he corresponds, as circumstances may require, with the magistrates who are subject to his control.

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* The manner in which this duty is performed in Bengal will be seen from the following account:

In five years, viz. from 1816 to 1820, the cases of 734 persons, charged with murder in the Western Provinces, were referred to the Nizamut Adawlut; of these, 307 were acquitted, 349 were sentenced to death or perpetual imprisonment, and 78 to inferior degrees of punishment.

In 325 cases, the decisions of the judges of the Nizamut Adawlut were opposed to one or more of the inferior judicial authorities; that is to say, the circuit judge, the law officer of the Court of Circuit, law officers of the Nizamut Adawlut.

In 78, their decisions were opposed, not to the conviction of the prisoner, but as to the degree of his criminality and his punishment.

In 331, their decisions were not opposed.

Of the opposed decisions, 37 were acquittals, and 288 convictions.

Of the 37 acquittals, 7 were opposed to the opinion of the judge of circuit alone, 2 to the opinions of the judge of circuit and his law officer, 17 to the opinion of the law officers of the Court of Circuit alone, 1 to the opinions of the law officers of both courts, and 10 to the opinions of the law officers of the Nizamut Adawlut alone.

Of the 288 acquittals, the opposed opinions were, 70 of the judge of circuit alone, 99 of the judge of circuit and the law officers of both courts, 41 of the judge of circuit and his law officer, 21 of the judge of circuit and law officers of the Nizamut Adawlut, 37 of the law officer of the Court of Circuit alone, 20 of the law officers of both courts.

In 349 convictions by the judges of the Nizamut Adawlut, their sentences were in opposition to the judge of circuit in 9 cases, to the law officers of the Court of Circuit in 20, to the law officers of the Nizamut Adawlut in 11.

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These statements, however diligently compiled, are subject to errors from various causes. Crimes committed may have been concealed from the native police or from the magistrate, or they may have been misrepresented; the same sort of crime may have been arranged under one head by one officer, and another head by another; often it cannot be known whether crimes were committed as stated, till after a full investigation of circumstances, perhaps not till after trial of the accused.

From these documents the Tables (A.) (B.) and (C.) are taken. The others marked (D.) and (E.) which contain lists of crimes, with the number of persons convicted of such crimes, and those marked 1 to 9, which contain lists of persons punished, without any account of the crimes for which they were sentenced, are, with the exception of No. 3, and those connected with it, extracted from statements of the operation of the criminal courts which were furnished by the Nizamut Adawlut.

The following is an account of the contents of these Tables :

TABLES

In 307 acquittals by the judges of the Nizamut Adawlut, their sentences were in opposition to the judge of circuit in 231 cases, to the law officer of the Court of Circuit in 197, and to law officers of the Court of Circuit in 140.

There are 99 instances of acquittal by the judges of the Nizamut Adawlut, in opposition to the unanimous opinions of the other judicial authorities ; but not one instance of conviction.

ABSTRACT OF THE ABOVE.

Total Cases referred, 734. (a)	Convictions, 37.	{	Opposed by the judge of circuit alone	-	1	
			Ditto - ditto - and law officer of ditto	-	2	
			Ditto - by law officer of circuit alone	-	17	
			Ditto - by law officers of both courts	-	1	
			Ditto - by Nizamut Adawlut alone	-	10	
	Acquittals, 288. (b)	{	Ditto - by judge of circuit alone	-	-	70
			Ditto - ditto - and law officers of both courts	-	99	
			Ditto - by judge and law officer of circuit	-	41	
			Ditto - ditto - and law officers of Nizamut Adawlut	-	21	
			Ditto - by law officer of circuit alone	-	37	
			Ditto - ditto - and law officers of Nizamut Adawlut	-	20	
	Opposed in part, 78.					
	Not opposed,					
331.		Convictions	-	312		
		Acquittals	-	19		

(a) Cases are referred, either because there is a difference of opinion between the judge of circuit and his law officer as to the guilt of the accused, or because the accused having been convicted of murder by their concurrent opinions, is liable to a sentence of death, which can be passed by the Nizamut Adawlut only, or of perpetual imprisonment, which requires the confirmation of the same authority.

(b) The number of acquittals by the judges of the Nizamut Adawlut, against the opinion of the circuit judge, as to the guilt of the accused, seems great; but as the circuit judge merely gives an opinion, and has not the responsibility of the capital sentence, he probably refers many in which he has a strong impression of the prisoner's guilt, but doubts whether the evidence is sufficient to convict him.

16 April 1832.

W. B. Bayley, Esq.

TABLES referring to Statements of Crimes reported.

(A.) Contains a list of the most heinous Crimes ascertained to have been committed in the Lower and Western Provinces of Bengal from 1818 to 1828; extracted from the periodical statements of the superintendents of police.

(B.) An Abstract of (A.), showing separately, 1st, the number of depredations with murder; 2d, those with wounding; 3d, those with open violence without personal injury; 4th, the number of murders; 5th, of homicides; 6th, of affrays attended with loss of life.

(C.) A Summary of (A.) and (B.), showing the Crimes as in (B.) committed in nine years, ending with 1826, and in the years 1827 and 1828; also yearly averages in the two periods, the crimes of the Lower Provinces being set down separately from those of the Western.

TABLES referring to the operation of the Criminal Courts.

Crimes. Convictions in lower courts. (D.) Contains a Statement of the Offences for which persons were convicted before the Courts of Circuit in the Lower and Western Provinces together, from 1816 to 1826, with a list of the persons convicted.

(E.) A similar statement referring to the courts of the magistrates for 1826 and 1827 for the Lower and Western Provinces separately.*

TABLES referring to the Number of Persons sentenced, and their Punishments.

No. 1. Contains a list of persons convicted before the Criminal Courts in Bengal in several years, viz. before the Nizamut Adawlut, from 1816 to 1827, before the Courts of Circuit, from 1816 to 1826, and before the Magistrates, from 1824 to 1827, with the punishments to which those persons were sentenced.

No. 2. List of persons sentenced to Imprisonment for above seven years (not for life); ditto, above one year, not above seven years; ditto, not above one year; abstracted from the Table, No. 1.

No. 3. Extract of statements ordered by the House of Commons to be printed, showing the number of persons sentenced to punishment in England and Wales for seven years, ending with 1828.

No. 4. Summary of No. 3, arranged so as to correspond in form nearly with No. 2.^{ee}

No. 5. Summary showing the number of persons sentenced for four years, viz. by the Nizamut Adawlut, and by the Magistrates, from 1824 to 1827, and by the Courts of Circuit, from 1823 to 1826, taken from No. 1.

No. 6. Extract from No. 3, showing the sentences for the last four years, viz. from 1825 to 1828. These compared with No. 5.

No. 7. Yearly averages in the periods of four years, from No. 6, with the same in proportion to the supposed population of the two countries.

No. 8. List of sentences to Death and Transportation, or Imprisonment for life, from 1816 to 1828, for the Lower and Western Provinces, separately extracted from the statements of the Nizamut Adawlut.

No. 9. Summary for six years, ending with 1827, in Lower and Western Provinces, separately extracted from No. 8, with a corresponding summary for the same six years, extracted from No. 3; also yearly averages of these numbers, and the same in proportion to the supposed population of the Lower and Western Provinces, and England and Wales, respectively.

* No statement can be given referring to the Courts of Circuit for the years 1827 and 1828, or for the Lower and Western Provinces separately; nor any corresponding to that of (E.) for other years besides 1826 and 1827. No similar statements can be given for the Nizamut Adawlut.

(A.)

NUMBER of HEINOUS CRIMES in the *Lower and Western Provinces of Bengal*, as reported by the Superintendents of Police, from 1818 to 1828.

	1818.	1819.	1820.	1821.	1822.	1823.	1824.	1825.	1826.	1827.	1828.
LOWER PROVINCES:											
Decoity with Murder - -	20	18	21	24	21	25	16	16	21	10	16
Ditto - Torture - -	7	17	29	12	7	16	11	11	12	10	10
Ditto - Wounding - -	41	67	53	34	40	32	39	38	44	37	41
Simple Decoity - - -	134	212	141	141	105	118	117	89	105	121	100
River Decoity - - -	15	25	18	16	19	12	19	Included in the above.			
Total Decoity - - -	217	339	262	227	192	203	201	154	182	178	167
With Murder:											
Highway Robbery - - -	3	9	9	12	7	5	8	13	10	6	13
Burglary - - -	2	2	2	2	-	2	2	6	1	3	1
Cattle Stealing - - -	2	-	-	1	-	-	1	-	1	1	-
Theft - - -	2	5	18	13	28	22	23	22	25	30	16
With Wounding:											
Highway Robbery - - -	9	14	23	13	7	11	8	12	15	15	15
Burglary - - -	10	8	14	9	6	13	21	11	17	14	18
Cattle Stealing - - -	-	1	1	-	1	1	-	1	2	-	1
Theft - - -	6	8	11	9	5	4	10	15	16	23	10
Without personal violence, property stolen exceeding 50 rupees:											
Highway Robbery - - -	14	15	34	17	8	11	8	3	6	15	5
Burglary - - -	657	692	659	607	686	686	646	596	586	564	505
Cattle Stealing - - -	21	53	62	44	41	57	80	75	76	98	63
Theft - - -	555	599	550	608	629	678	686	647	726	645	587
Wilful Murder - - -	138	139	99	109	128	118	134	105	119	98	98
Homicide not amounting to Murder	50	74	75	90	89	86	72	131	100	126	122
Violent affrays, attended with loss of life, originating in disputes regarding boundaries or the possession of lands, crops, wells, &c.	23	12	11	24	18	35	44	13	12	8	16
Violent affrays, originating in causes distinct from those mentioned in the preceding column	22	4	1	4	7	1	-	8	9	11	12

NUMBER of HEINOUS CRIMES in the *Lower and Western Provinces of Bengal*—continued.

	1818.	1819.	1820.	1821.	1822.	1823.	1824.	1825.	1826.	1827.	1828.
WESTERN PROVINCES:											
Decoity with Murder - - -	8	18	10	14	20	12	19	11	12	20	12
Ditto, with Wounding or Torture	21	26	16	10	17	13	22	22	35	14	13
All other Decoities unattended with personal violence - - }	14	26	20	15	16	22	28	18	37	14	20
Total Decoities - - -	43	70	46	39	53	47	69	51	84	48	45
Murder by Thugs - - -	10	10	18	9	27	21	18	19	58	38	23
With Murder :											
Highway Robbery - - - }	56	77	105	89	65	101	97	94	132	95	83
Burglary - - - }											
Cattle Stealing - - - }											
Theft - - - - - }											
With Wounding :											
Highway Robbery - - - }	311	320	306	278	177	211	211	267	344	251	234
Burglary - - - }											
Cattle Stealing - - - }											
Theft - - - - - }											
Without personal violence, pro- perty stolen exceeding 50 rupees :											
Highway Robbery - - - }	1,495	1,694	1,781	1,648	1,723	1,672	1,768	1,776	1,914	1,815	1,581
Burglary - - - }											
Cattle Stealing - - - }											
Theft - - - - - }											
Wilful Murder - - - - -	185	183	128	156	106	113	112	92	107	118	137
Homicide not amounting to Murder	61	88	88	92	93	119	102	101	108	86	97
Violent affrays, attended with loss of life, originating in disputes regarding boundaries or the pos- session of land, crops, wells, &c.)	25	35	44	47	41	33	40	21	36	22	35
Violent affrays, originating in causes distinct from those men- tioned in the preceding column }	24	22	38	50	41	20	39	21	23	32	29

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W. B. Bayley, Esq.

(B.)

ABSTRACT of the Chief Parts of Table (A.)

	LOWER PROVINCES.				WESTERN PROVINCES.			
	1818 and 1820.	1821 and 1823.	1824 and 1826.	1827 and 1828.	1818 and 1820.	1821 and 1823.	1824 and 1826.	1827 and 1828.
Depredations with Murder (a) - -	113	162	165	96	312	358	460	271
Ditto, with torture or wounding (b)	319	220	283	194	1,000	706	901	512
Ditto, with open violence, but without personal injury (c) - -	545	411	330	221	60	53	83	34
Murder without depredation (d) - -	376	355	358	196	496	375	311	255
Homicide not amounting to Murder -	199	265	303	248	237	304	311	185
Affrays with loss of life - - -	73	89	86	47	188	232	130	118

(a) Including the crimes referred to in the preceding Table under the heads "Decoity with Murder," "Murder by Thugs," and "Highway Robbery," "Burglary," "Cattle Stealing," and "Theft with Murder." The head "Murder by Thugs," occurs in the Western Provinces only.

(b) Including "Decoity with Wounding," or "Torture," and "Highway Robbery, &c. with Wounding."

(c) Including "Simple Decoity," "River Decoity," and all other Decoities unattended with Personal Violence.

(d) "Wilful Murder."

The heads "Highway Robbery, Burglary, Cattle Stealing, and Theft without Personal Violence," are not referred to in this or in any of the following Tables. It is supposed that the accuracy of the Reports in regard to such offences cannot be relied on.

(C.)

TOTAL NUMBER and YEARLY AVERAGES of Table (B.), showing the NUMBER of OFFENCES in a Period of Nine Years, from 1818 to 1828; compared with those in the Years 1827 and 1828.

	LOWER PROVINCES.				WESTERN PROVINCES.			
	Total in 9 Years, ending with 1826.	Total in 1827 and 1828.	Yearly Averages.		Total in 9 Years, ending with 1826.	Total in 1827 and 1828.	Yearly Averages.	
			In 1st Period.	In 2d Period.			In 1st Period.	In 2d Period.
Depredations with Murder - - -	440	96	48½	48	1,130	271	125½	135½
Ditto, with torture or wounding - -	822	194	91½	97	2,607	512	289½	256
Ditto, with open violence, but without personal injury - - -	1,286	221	142½	110½	196	34	21½	17
Murder without depredation - - -	1,089	196	121	98	1,182	255	131½	127½
Homicide not amounting to Murder -	767	248	85½	124	852	185	94½	92½
Affrays with loss of life - - -	248	47	27½	23½	600	118	66½	59

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(D.)

W. B. Bayley, Esq.

COMPARATIVE STATEMENT of SENTENCES for OFFENCES against PROPERTY and those against the PERSON, and other Crimes, passed by the Courts of Circuit in Bengal, from 1816 to 1826.

	NUMBER OF PERSONS SENTENCED.			
	1816 to 1818.	1819 to 1821.	1822 to 1824.	1825 to 1826.
OFFENCES AGAINST PROPERTY :				
Arson - - - - -	35	65	66	47
Burglary - - - - -	2,853	1,177	1,195	1,036
Cattle Stealing - - - - -	203	19	85	31
Child Stealing - - - - -	48	99	107	57
Counterfeiting and uttering counterfeit coin - - - - -	14	33	47	21
Embezzlement - - - - -	150	57	108	49
Forgery and uttering - - - - -	27	55	71	60
Larceny - - - - -	1,516	457	491	223
Robbery on the person on the highway and other places - - - - -	50	117	213	637
Receiving stolen goods - - - - -	374	223	380	173
Total - - - - -	5,270	2,302	2,763	2,334
OFFENCES AGAINST THE PERSON :				
Adultery - - - - -	95	40	51	20
Affray - - - - -	1,861	1,692	1,917	1,136
Assault - - - - -	157	164	212	174
Manslaughter - - - - -	258	212	421	250
Rape - - - - -	3	10	3	2
Shooting, wounding or poisoning with intent to kill - - - - -	199	209	251	199
Sodomy - - - - -	5	7	5	6
Total - - - - -	2,578	2,334	2,860	1,778
VARIOUS OTHER OFFENCES :				
Felony and misdemeanor not otherwise described - - - - -	376	146	189	107
Perjury - - - - -	78	100	147	66
Total - - - - -	454	246	336	173

16 April 1832.

W. B. Bayley, Esq.

(E.)

COMPARATIVE STATEMENT of SENTENCES for OFFENCES against PROPERTY and those against the PERSON, and other Crimes, passed by the Magistrates in the *Lower and Western Provinces of Bengal*, in 1826 and 1827.

										Number of Persons sentenced.	
										Lower Provinces.	Western Provinces.
OFFENCES AGAINST PROPERTY:											
Arson	-	-	-	-	-	-	-	-	-	154	31
Burglary	-	-	-	-	-	-	-	-	-	2,433	1,995
Cattle Stealing	-	-	-	-	-	-	-	-	-	2,048	3,671
Frauds and other offences	-	-	-	-	-	-	-	-	-	6,161	3,302
Larceny	-	-	-	-	-	-	-	-	-	8,310	7,927
Plundering	-	-	-	-	-	-	-	-	-	768	97
Receiving stolen goods and harbouring thieves	-	-	-	-	-	-	-	-	-	431	909
Snatching from the person	-	-	-	-	-	-	-	-	-	1,077	1,391
Total										21,382	19,323
OFFENCES AGAINST THE PERSON:											
Affray	-	-	-	-	-	-	-	-	-	434	743
Assault and battery	-	-	-	-	-	-	-	-	-	6,535	3,965
Manslaughter	-	-	-	-	-	-	-	-	-	44	11
Riot	-	-	-	-	-	-	-	-	-	2,259	700
Total										9,272	5,419
VARIOUS OTHER OFFENCES:											
Bribery	-	-	-	-	-	-	-	-	-	289	70
Escape from custody	-	-	-	-	-	-	-	-	-	149	72
False complaint	-	-	-	-	-	-	-	-	-	1,728	652
Neglect of duty	-	-	-	-	-	-	-	-	-	10,332	6,652
Perjury	-	-	-	-	-	-	-	-	-	178	41
Resistance of process	-	-	-	-	-	-	-	-	-	1,010	533
Vagrancy	-	-	-	-	-	-	-	-	-	183	55
Total										13,869	8,077

— No. 1. —

BENGAL.

LIST OF PERSONS sentenced by the Criminal Courts in *Bengal* to DEATH, TRANSPORTATION, or IMPRISONMENT, from 1816 to 1827.

	1816.	1817.	1818.	1819.	1820.	1821.	1822.	1823.	1824.	1825.	1826.	1827.
By the Nizamut Adawlut:												
To death - - -	115	114	54	94	55	58	50	77	51	66	67	55
Transportation or Imprisonment for life -	282	268	261	345	324	278	165	118	145	128	171	153
Imprisonment above seven years - -	60	69	67	77	61	124	184	203	297	334	137	65
Ditto above one year, not above 7 years -	88	82	82	156	306	337	220	232	269	401	296	227
Ditto not above one year - - -	39	33	20	27	26	7	18	24	56	50	28	25
By the Courts of Circuit:												
Imprisonment above seven years - -	250	507	308	94	40	21	33	13	161	208	214	—
Ditto above one year, not above 7 years -	1,363	1,755	1,961	1,001	1,285	1,354	1,206	1,414	2,118	1,524	1,665	—
Ditto not above one year - - -	621	560	828	374	418	295	323	255	379	330	324	—
By the Magistrates:												
Imprisonment above one year - - -	-	-	-	-	-	-	-	-	3,747	3,675	4,075	4,141
Ditto not above one year - - -	-	-	-	-	-	-	-	-	24,266	24,976	18,229	16,575

Note.—The statements of the sentences of the Nizamut Adawlut refer to the years from 1816 to 1827; those of the Court of Circuit, from 1816 to 1826; and those of the Magistrates, to four years only, viz. from 1824 to 1827. Sentences of death and transportation, or imprisonment for life, are passed by the Nizamut Adawlut, exclusively; sentences of imprisonment for above seven years are passed by the Nizamut Adawlut, or by the Courts of Circuit (who have power to pass sentence to the extent of 14 years' imprisonment in certain cases); sentences to imprisonment above one year, and not above seven years, are passed by the Nizamut Adawlut, or the Courts of Circuit, or by the Magistrates (who are empowered to pass sentence of imprisonment as far as two years in certain cases); sentences to imprisonment not above one year are passed by the Nizamut Adawlut, the Courts of Circuit, or the Magistrates. In these Tables, the sentences by the Courts of Circuit to imprisonment for one year are included under the fourth head, not the fifth. In the documents from which the numbers are taken, such sentences are mixed up with those of imprisonment for two years, and cannot be separated. The statements of the sentences of the Nizamut Adawlut are in great detail, without any abstract, and they are incorrect and imperfect in many places; but the errors on this account, or from the irregularity above noticed, are not of a nature materially to affect the general results which the Tables are intended to show.

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— No. 2. —

LIST OF PERSONS sentenced to TEMPORARY IMPRISONMENT, arranged according to the Sentences extracted from Table 1.

	1816.	1817.	1818.	1819.	1820.	1821.	1822.	1823.	1824.	1825.	1826.	1827.
Imprisonment above 7 years: •												
By Nizamut Adawlut	60	69	67	77	61	124	184	203	297	334	137	65
By Courts of Circuit	290	507	308	94	40	21	33	13	161	208	214	wanting
Imprisonment above one year, not above 7 years:												
By Nizamut Adawlut	88	82	82	156	306	337	220	232	269	401	296	227
By Courts of Circuit	1,363	1,755	1,961	1,001	1,285	1,354	1,206	1,414	2,118	1,524	1,665	wanting
By Magistrates -	-	wanting	-	-	-	wanting	-	-	3,747	3,675	4,075	4,141
Imprisonment not above one year:												
By Nizamut Adawlut	39	33	20	27	26	7	18	24	56	50	28	25
By Courts of Circuit	621	560	828	374	418	295	323	255	379	330	324	wanting
By Magistrates -	-	wanting	-	-	-	wanting	-	-	24,266	22,976	18,229	16,573

— No. 3. —

ENGLAND AND WALES.

EXTRACT from the STATEMENTS ordered by the House of Commons to be printed, 23d February 1829; showing the Number of Persons in *England* and *Wales* sentenced to DEATH, TRANSPORTATION or IMPRISONMENT, in 7 Years, from 1822 to 1828.

SENTENCES.	1822.	1823.	1824.	1825.	1826.	1827.	1828.	TOTAL.
Death *	1,016	968	1,066	1,036	1,203	1,526	1,165	7,980
Transportation for life	132	116	117	126	133	198	317	1,139
Ditto - 28 years	-	-	-	-	-	1	1	2
Ditto - 21 ditto	-	-	-	-	-	1	-	1
Ditto - 14 ditto	84	78	107	129	185	293	508	1,384
Ditto - 10 ditto	-	-	-	-	-	-	1	1
Ditto - 7 ditto	1,316	1,327	1,491	1,419	1,945	2,032	2,046	11,776
Ditto - 4 ditto	-	-	-	-	-	-	-	-
Imprisonment - 5 years	2	-	-	-	-	1	-	3
Ditto - 4 years	-	-	-	-	-	-	1	1
Ditto - 3 years	11	11	11	7	11	11	11	73
Ditto, 2 years and above 1 year	376	324	339	365	297	296	243	2,240
Ditto, 1 year and not above 6 months	1,129	1,074	1,218	1,193	1,204	1,433	1,117	8,368
Ditto - 6 months and under	3,899	4,040	4,861	5,408	5,819	6,251	5,991	36,269
* Of whom were executed	97	54	49	50	57	70	79	456

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W. B. Bayley, Esq.

— No. 4. —

ENGLAND AND WALES.

SUMMARY of the NUMBERS in Table 3, arranged under Heads, to correspond nearly with those of Tables of 1 and 2.

SENTENCES.	1822.	1823.	1824.	1825.	1826.	1827.	1828.	TOTAL.
Death * - - - - -	1,016	968	1,066	1,036	1,203	1,526	1,165	7,980
Transportation for life - -	132	116	117	126	133	198	17	1,139
Transportation for above 7 years -	84	78	107	129	185	293	509	1,385
Transportation or Imprisonment } above 1 year, not above 7 years }	1,705	1,662	1,842	1,791	2,253	2,540	2,301	14,094
Imprisonment not above 1 year -	5,028	5,114	6,078	6,601	7,023	7,684	7,108	44,637
* Of whom were executed - -	97	54	49	50	57	70	79	456

— No. 5. —

BENGAL.

SUMMARY of the NUMBERS of Table 1, for Four Years; viz. of those referring to the Nizamut Adawlut and the Magistrates, from 1824 to 1827; and of those referring to the Courts of Circuit, from 1823 to 1826.

SENTENCES.	1823.	1824.	1825.	1826.	1827.	TOTAL of 4 Years.
Death - - - - -	-	51	66	67	55	239
Transportation or Imprisonment for } life - - - - - }	-	145	128	171	153	597
Imprisonment above 7 years:						
By Nizamut Adawlut - - -	-	297	334	137	65	1,429
Courts of Circuit - - -	13	161	208	214	-	
Imprisonment above 1 year, not above 7 years:						
By Nizamut Adawlut - - -	-	269	401	296	227	23,552
Courts of Circuit - - -	1,414	2,118	1,524	1,665	-	
Magistrates - - -	-	3,747	3,675	4,075	4,141	
Imprisonment not above 1 year:						
By Nizamut Adawlut - - -	-	56	50	28	25	83,491
Courts of Circuit - - -	255	379	330	324	-	
Magistrates - - -	-	24,266	22,976	18,229	16,573	

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— No. 6. —

ENGLAND AND WALES, AND BENGAL.

TOTAL of the NUMBERS in Table 3, for Four Years (from 1825 to 1828); and of those in Table 5, for Four Years (from 1823 to 1826, and 1824 to 1827), compared.

SENTENCES.	England and Wales.	Bengal Provinces.
Death - - - - -	4,930 *	(a) 239
Transportation for life, or Imprisonment for life - - - - -	774	597
Transportation or Imprisonment for above 7 years - - - - -	1,116	1,429
Ditto - above 1 year, not above 7 years - - - - -	8,885	23,552
Imprisonment, not above 1 year - - - - -	28,416	83,491
* Of whom were executed - - - - -	256	(a) 239

(a) It is supposed that in Bengal all who were sentenced to death were executed; probably almost all were executed.

— No. 7. —

ENGLAND AND WALES, AND BENGAL.

YEARLY AVERAGES of the NUMBERS in Table 6, and the same in proportion to the Population of the two Countries, supposing (a) *England and Wales* to contain 13 Millions of Inhabitants, and the *Bengal Provinces* 60 Millions.

SENTENCES.	Yearly Averages.		Proportion of the Yearly Averages to the Population.	
	England and Wales. (b)	Bengal Provinces.	England and Wales. (b)	Bengal Provinces.
Death * - - - - -	1,232 $\frac{1}{2}$	59 $\frac{1}{2}$	1 in 10,547	1 in 1,004,182
Transportation or Imprisonment for life - - - - -	193 $\frac{1}{2}$	149 $\frac{1}{2}$	1 in 67,173	1 in 402,010
Transportation or Imprisonment above 7 years - - - - -	279 $\frac{1}{2}$	357 $\frac{1}{2}$	1 in 43,610	1 in 167,669
Ditto - above 1 year, not above 7 years - - - - -	2,221 $\frac{1}{2}$	5,589 $\frac{1}{2}$	1 in 5,852	1 in 10,735
Imprisonment not above 1 year - - - - -	7,104	20,872 $\frac{1}{2}$	1 in 1,829	1 in 2,880
* Of whom were executed - - - - -	64	59 $\frac{1}{2}$	1 in 203,281	1 in 1,004,184

(a) The population of *England and Wales* is set down at 13,000,000, on the ground of the last Census. There has never been any Census of the *Bengal Provinces*.

For an estimated account of their population, see Note, Table 9.

16 April 1832.

(b) The numbers for Ireland corresponding with those of Table 6 and 7, were as follows: the population, according to the Census of 1821, being taken at 7,000,000.

	Total in 7 Years, ending with 1820.	Yearly Average.	Yearly Average in proportion to Population.
Sentenced to Death * - - - -	1,896	270 $\frac{1}{2}$	1 in 25,840
Transportation for life - - - -	388	55 $\frac{1}{2}$	1 in 126,289
Ditto - above 7 years - - - -	567	81	1 in 86,419
Ditto - and Imprisonment above 1 year, not above 7 years - - - -	5,761	823	1 in 8,505
Imprisonment not above 1 year - - -	50,945	7,279 $\frac{1}{2}$	1 in 961
* Of whom were executed - - - -	332	47 $\frac{1}{2}$	1 in 147,593

In the seven years there were accused of murder 2,604 persons, of whom 224 were sentenced to death, and 155 executed (*aa*).

In France in 1829 there was 89 persons sentenced to death, and 273 to hard labour for life. These numbers are as 1 in 337,078, and 1 in 109,813 respectively in a population of 30,000,000. One thousand and thirty-three were sentenced to temporary hard labour, and 1,222 to imprisonment (reclusion), or 1 in 29,041, and 1 in 24,549 of the population (*bb*). In other countries the number of crimes and criminals appear to be much greater in proportion to the population.

In seven provinces under the Austrian government, the population of which is stated to amount to 14,436,000, it appears from a statistical table, that in two years (*viz.* 1819 and 1823) the number of homicides brought to trial amounted to 1,032, the yearly average of which (516) is 1 in 27,976 of the population. In one of the provinces, Dalmatia, the population of which is stated to be 318,000, the number of trials for homicide in 1823 is set down at 179; for robbery, 489; for burning, 200; for wounding and maiming, 304 (*c*).

In Spain the state of crime is described in the following account, which has been published in this country as an extract from the Madrid Gazette.

(*aa*) Parliamentary Return, ordered by the House of Commons to be printed, 10th May 1829.

(*bb*) Extract from the Report of the Minister of Justice for 1829, *Courier Français*, 3d February 1813.

(*c*) Extracts from Statistical Tables, *Times*, 14th January 1830.

STATEMENT of OFFENCES which have formed the subject of Judicial Proceedings in Spain during the Year 1826.

16 April 1832.

W. B. Bayley, Esq.

Homicides	-	-	-	-	-	-	-	-	-	1,233
Infanticides	-	-	-	-	-	-	-	-	-	13
Cases of Poisoning	-	-	-	-	-	-	-	-	-	5
Anthropophagus	-	-	-	-	-	-	-	-	-	1
Suicides	-	-	-	-	-	-	-	-	-	16
Duels	-	-	-	-	-	-	-	-	-	4
Dangerous Wounds, by cutting, maiming, &c.	-	-	-	-	-	-	-	-	-	1,773
Rapes	-	-	-	-	-	-	-	-	-	52
Cases of Public Incontinence	-	-	-	-	-	-	-	-	-	144
Slanders	-	-	-	-	-	-	-	-	-	369
Blasphemies	-	-	-	-	-	-	-	-	-	27
Incendiaries	-	-	-	-	-	-	-	-	-	56
Thefts	-	-	-	-	-	-	-	-	-	1,620
Cases of Coining	-	-	-	-	-	-	-	-	-	10
Forgeries	-	-	-	-	-	-	-	-	-	43
Breaches of Trust	-	-	-	-	-	-	-	-	-	660
Prevarications	-	-	-	-	-	-	-	-	-	10
Excesses of various kinds	-	-	-	-	-	-	-	-	-	2,782 (a)

Of the persons charged with these offences, 167, or 1 in 83,772 of the supposed population were sentenced to death, and 12,578 to other punishments. The population of Spain is said to be about 14,000,000.

(a) Jurist, No. 4.

— No. 8. —

BENGAL:—LOWER AND WESTERN PROVINCES.

SENTENCES to DEATH, or to TRANSPORTATION or IMPRISONMENT for LIFE in the *Lower and Western* Provinces of *Bengal*, compared.

	1816.	1817.	1818.	1819.	1820.	1821.	1822.	1823.	1824.	1825.	1826.	1827.
Death :												
Lower Provinces - - -	64	57	24	42	25	22	20	42	31	26	26	22
Western Provinces - - -	51	57	30	52	30	36	30	35	20	40	41	32
Transportation or Imprisonment for Life :												
Lower Provinces - - -	213	214	158	240	224	189	103	56	89	51	70	98
Western Provinces - - -	69	54	103	105	100	89	62	62	56	77	101	57

— No. 9. —

ENGLAND AND WALES:—BENGAL, LOWER AND WESTERN PROVINCES.

SENTENCES to DEATH, and TRANSPORTATION or IMPRISONMENT for LIFE, in Six Years, ending 1827; and EXECUTIONS in the same Period in *England and Wales*, and in the *Lower Provinces* and *Western Provinces of Bengal*, compared: Also, the YEARLY AVERAGES, and the same in proportion to the Population, supposing the *Lower Provinces of Bengal* to contain Forty Millions, and the *Western* Twenty Millions of Inhabitants.

	Total Sentences and Executions from 1822 to 1827.			Yearly Averages.			Ditto in proportion to the Population.		
	England and Wales.	Lower Provinces.	Western Provinces.	England and Wales.	Lower Provinces.	Western Provinces.	England and Wales.	Lower Provinces.	Western Provinces.
Death - - - -	6,815	168	198	1,135 $\frac{2}{3}$	28	33	1 in 11,445	1 in 1,428,571	1 in 606,060
Transportation or Im- prisonment for life -	822	465	415	120 $\frac{1}{2}$	77 $\frac{1}{2}$	69 $\frac{1}{2}$	1 in 108,033	1 in 516,129	1 in 289,159
Executions - - -	377	168	198	62 $\frac{1}{2}$	28	33	1 in 206,897	1 in 1,428,571	1 in 606,060

Martis, 17^o die Aprilis, 1832.

The Right Hon. ROBERT GRANT in the Chair.

IV.
JUDICIAL.

THOMAS FORTESCUE, Esq., called in and further examined.

17 April 1832.

Thomas Fortescue,
Esq.

935. How long is it since you returned from India?—I returned in 1821.

936. Did you while you were in India reside much in or near Calcutta?—I resided in Cuttack as Secretary to the Commission appointed for arranging the civil affairs of it after the conquest. I have been also officiating Collector of the district of Midnapore in Orissa, officiating Collector of the district of Dacca, and officiating Collector of the district of Moorsshedabad in Bengal.

937. Have you frequently visited Calcutta itself?—Yes, very frequently; and I was there as Secretary to Government in the Territorial department for a short time.

938. While you were in India did you observe a great approximation in the natives at the presidency to the habits or modes of thinking of Europeans?—A good deal, certainly. The number of Europeans, and the establishment of His Majesty's Court, led them much to a knowledge of the character and bearing of the laws of the Europeans.

939. Before

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*Thomas Fortescue
Esq.*

939. Before you left India were there any institutions for the education of the natives established by government?—They were commencing.

940. According to your information, has not a considerable effect been produced by those institutions since that time?—As far as I can learn there has.

941. Are you aware also that since that time there has been an increased employment of natives in the administration of justice, or otherwise in the administration of public affairs?—I have been informed so.

942. What would be your general idea of the expediency and practicability of gradually increasing the degree in which they are employed in such ways?—I think, both in justice to them in their own country, and in point of talent, they ought to be more employed, particularly being so well qualified for almost all the duties of the different situations connected with the administration of the country; I have had a good deal to do with them myself in that way.

943. How far have you had opportunities yourself of seeing them employed in the administration of public affairs?—In the different situations I have held in India, I have particularly attended to their mode of conducting the business entrusted to them, and have most frequently found them extremely capable, particularly when confidence and salary have been fair and liberal; their conduct too has been very satisfactory to the natives. In general, when they have misconducted themselves, it has been greatly owing to the want of consistent conduct towards them.

944. Do you mean to say that if they received a liberal remuneration, they would not be tempted to those deviations from duty to which in many cases they are liable; such as the pursuit of irregular gains, or the indulgence of partialities or corruption?—I think they would not; I have had means of observing them in situations where their authorized emoluments have been below what it is possible to conceive could induce a man to labour, and in which the temptations to unlawful gain might scarcely be, in consequence, one would say, to be resisted. I could mention several instances, in the course of my experience, where the average of the net fees of native commissioners was but 10 rupees a month, yet they were employed every day in the week from morning till night. I noticed also that that small pittance was not paid to them till months after it became due; and with respect to the vakeels officiating under them, their net income too has not exceeded four rupees a month: and moreover, it should be remembered, that there are instances, under the Regulations in which the native commissioners and their officers are subject to much official labour and expense, and yet receive no remuneration at all, or but a most disproportionate one; for example, in pauper suits they get nothing: in other cases, when a compromise or razeenama is tendered *before* the pleadings are completed, they get nothing; if it is tendered *at any time after* perusal of the record, they are entitled but to half their ordinary commission: again, in cases nonsuited they get nothing; further, a vast detail and trouble is imposed upon them in respect of distrains and bringing property to sale, yet if nothing is sold they get nothing. It is obvious that all this is unfair, when the commissions are paid, not by fixed salaries, but by their fees, and that all their establishments, pens, ink and paper, &c. are defrayed at their own cost; and equally obvious that their duty and interest clash. These duties relate to the agricultural community; yet the Regulations for the benefit of this class, which authorize the employment

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employment of the native commissions in the interior, were at times not acted upon, and in some instances certain Regulations were not to be found in the district office.

945. By whose neglect had that taken place; who had the charge of those?—I cannot particularly say; the ordinary course is for the government to send up the Regulations, when a certain form of promulgation takes place, after which the enactments are deposited amongst the records.

946. As far as you have observed, under a proper system the employment of them might be very considerably extended, only proceeding gradually and with prudence?—I consider their capacity for investigation in India to be, I would say, superior to our own; I have often associated them with me, both in the investigation of civil and criminal matters, and have derived the greatest assistance from their quick penetration and knowledge of the character of those whom I had to deal with.

947. Do you speak of Híndoos or Mahomedans?—Of both Híndoos and Mahomedans, and those principally attached to my office; I make no distinction between them.

948. Should you however say that there was a want of regard for character among them, in comparison with Europeans?—Their loss of character is certainly much more common, and they have not those high principles which European officers have; but it is greatly to be accounted for in the subaltern offices they hold, to the paltry allowance they receive, to the strong temptations thrown in their way, and the consequent distrust manifested in general towards them.

949. You think that a regard to character might be created by proper measures?—I have no doubt of it; for I have known them in the interior of the country acting greatly upon their own responsibility, and to the entire satisfaction of the neighbourhood. I have myself often deputed them for special purposes, as a kind of local commission, and they have performed the duty to content me and gratify the people; they have brought litigated points to a quick and final close, which but for their aid would have harassed the zillah (or European's) court for an indefinite period.

950. Do you ascribe the advantage that they have over Europeans in the investigation of difficult points, to their much better acquaintance with the habits and manners and feelings of their own countrymen?—Certainly; for when I have been sitting with them rather as an arbitrator than judge, and they have discussed matters in the form of punchayet, I have observed the mode of questioning and the attention they paid to gesture and manner to be more particular than would probably have occurred to an European, yet more suited to the character of those examined by them, and better to elicit the truth; the subject of dispute has in consequence been settled satisfactorily, and with a quickness of repartee that I was quite unable to follow. Besides, in taking evidence they often interrogate so as to get at truth through aid of prejudices; for they will consider caste, rank in life, being single or married, &c., and so frame their questions as to call down the worst of consequences upon children and relations if falsehood be spoken. Such points have astonishing influence with the natives, though often but little attended to by us.

951. Should

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*Thomas Fortescue,
Esq.*

951. Should you think that they are as yet ripe to act in judicial situations, except under the superintendence and perhaps the strict supervision of Europeans, and subject also to an appeal to some European tribunal?—I think so great a transition at once from what their situation was when I resided in India, would not be advisable, but gradually they would become so. They are exceedingly quick in acquiring knowledge, and very desirous of it when it meets the approbation of those whose good opinions they solicit.

952. Have you considered how far they could be invested with the functions of police, at least in the presidencies; as for example, of justices of the peace?—I think they are perfectly competent to such duties, and might be entrusted with them; it is an opinion which I submitted during my residence in India to the government, suggesting that they might be entrusted with petty criminal jurisdiction, and empowered to inflict punishment by fine, or by imprisonment, or by stripes, according to the circumstances of the case.

953. Would it be proper to employ them in the presidencies in those duties which are understood to belong to magistrates in this country, namely, that of committing persons for trial before the courts?—I think perfectly so; for as officers employed under the magistrate in preparing commitments, they have, I may say, often performed the whole of the detail; their judgment is sufficiently good; but I should say that they ought not for the present to have cognizance of cases in which Europeans are concerned. Amongst themselves they might act, but not where an European was either the complainant or the person aggrieved; for they have so great a deference for their character generally, and often in such awe of them, that they might be induced by lenity or apprehension to swerve from an equitable decision.

954. Does that awe and deference proceed mainly from their having to do with officers either civil or military employed by the government?—I think their feeling towards an European is such, and their manner too so disposed to court them, that I should be apprehensive they might favour the Europeans to the prejudice of their own countrymen.

955. The Committee has been informed that zemindars and other natives of power have such influence as to render it unlikely that persons in such a situation would act impartially in cases arising between natives; does your opinion coincide with that which has been given to the Committee?—Neither my experience nor my opinion coincide with that notion. I am satisfied that if they were liberally paid and a fair confidence shown towards them, they would maintain their situation with great credit to themselves and impartiality to the community. I am of opinion that the distance constantly subsisting between the European officers of government and the native judicial officers is such as not to give satisfaction or confidence to the natives; further, that when they do well it is not generally known perhaps, nor noticed to them in terms of encouraging approbation, and that when they do ill they are censured without sufficiently liberal construction of their motives and the merits of the complaint against them; and that there is not such easy intercourse to discuss points of general duty as to enable them to receive instruction from the European officer. The native I have always found anxious to pick up whatever was useful for his proper and official conduct. All this is often

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owing to the want of time on the part of the European; and this want of time proceeds from an injudicious division of the aggregate duties of the whole country amongst the officers of the government, and not calling in the aid sufficiently of the Indian community. A great deal of trifling matter is obliged to be brought before the European, which could with superior advantage be originally disposed of by the native.

956. Are the native judicial officers allowed to sit in the private apartments of the European functionary?—Yes, most frequently; I ever found them, when a new regulation appeared, glad to come to me and talk it over.

957. Is that a usual practice?—I do not believe it to be very general.

958. On the supposition that by any change in the system of intercourse with India, the number of Europeans settled or resident in the interior of the country were considerably augmented, do you think that any and what changes would be requisite or expedient in the system of the judicial administration, as conducted by the Company's courts?—With reference to their being enabled to purchase lands and become proprietors, I think a great *desideratum*, amongst many others, is the unsettled state of property in India with respect to the ryots' rights, which it should be a primary object to adjust. A very great change would be requisite in the judicial system were Europeans to be numerous: it would have to be determined whether the present existing Mahomedan law, as modified by our regulations, should remain, or whether the English law be more generally administered; and in either case it would be necessary, I presume, to have the establishments augmented by European functionaries subordinate to the judge and magistrate. The ordinary gaols are not suited for European constitutions, and must be considerably and suitably enlarged. The subject however is so wide and embraces so much, that it is not possible in a short reply to allude to its great details.

959. When you speak of the necessity of the gaols being very much enlarged, do you not contemplate a very considerable resort of the lower class of Europeans to them?—No, not so much as to that, as to their being comfortable, because our gaols are at present such as would render it death probably for an European to be confined in them: the processes to be served must be by Europeans, for violent offenders would not be manageable by the native officers.

960. If they were subject to one general law, and that law administered partly by the medium of the natives, why should not the native power be able to master a single individual?—Occasions for such interference, when they have occurred in India, have generally been very disgraceful to the European character; and the natives are so disposed to cover the misconduct of Europeans on the one hand, and so afraid of them on the other, that I apprehend there would be a very great difficulty, though it might be overcome.

961. What are the species of outrages committed by Europeans to which you especially refer?—Great contempts of court, if there were but one European judge; there is no community, no publicity, no public out of court to appreciate what is done in it: an European in his own language might be extremely offensive, and make it very difficult for the judicial officer to conduct a case before him with decorum.

962. Are

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962. Are you aware of many cases of the description to which you have alluded which have occurred?—No, I am not; but I can well imagine such to occur, from what I have understood to have happened, upon such characters as I contemplate coming into court.

963. Were the Europeans, with respect to whom you have alluded, heretofore chiefly officers either civil or military in the employ of government?—No; I allude chiefly to persons out of the service.

964. Are there many, except the indigo planters residing in the interior of the country, out of the service of the Company?—No; there are sometimes low subordinate Europeans, but not many; they have got to India by working their passage out or abandoning their ships; persons of that kind have often acted very offensively against the natives. The persons I allude to would be perhaps few, but they would be very mischievous.

965. In what capacity were those whom you have known employed?—They were generally assistants under some head person either managing the indigo manufacture or some other manufacture.

966. What other species of manufacture?—Besides indigo, collecting in cotton or sugar. I am alluding rather to what might be from an increase of Europeans than what has been, because the law has hitherto been such as to render Europeans very cautious how they subject themselves to removal. There is, I believe, a strong opinion in the Indian service in favour of the introduction of Europeans, but it is to be considered whether the improvements in India shall be based upon its institutions, or sought for through our own. I think the natives of India are entitled to have their interests favoured in preference to those of this country. I look to the further introduction of Europeans, and the other arrangements that are going on, as tending ultimately to the abolition of the present laws of India, their language and religion too. There is no doubt that the intelligence of the Europeans and their skilful application of capital will very much improve the country at large, and in respect of cultivation and population, but I have great doubts whether the result of all such improvements will not be vastly on the side of our own country.

967. When you say that you believe there is a general idea that it would be advantageous to have an increased number of Europeans in the country, do you suppose that the opinion is in favour of Europeans who should enter for the purposes of settlement, or of carrying on some commercial or agricultural pursuit in the country, or do you suppose that the opinion is in favour of an unrestricted entrance of Europeans of all classes?—The opinion that I alluded to has reference to Europeans going to and residing in India for the purpose of commerce.

968. Supposing the resort of Europeans in future to be very limited in point of number, and to consist mainly of individuals either possessed of capital or of very superior skill, should you then imagine that it would be necessary to make the great alterations in the present system of India to which you have previously already adverted?—The alteration would depend necessarily very much on the number of Europeans; but what I mean to say is, that in cases coming before the courts it must be determined by what law they shall be adjudged, and also in case of punishment, what is to become of the individual.

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969. Do you not conceive that, taking the present regulations, and the laws at present enforced, both criminal and civil, throughout the provinces of India, a code might be framed applicable to Europeans as well as natives residing within them?—I think, without any great difficulty: as to the Mahomedan criminal law, it is a mere name at present; and as far as the civil laws go, they would of course be allowed to operate between the Hindoos and Mahomedans.

970. Supposing, then, such a code to be framed, would not that remove much of your objection to the settlement of Europeans in India, in so far as the judicial system goes?—Certainly. I would still advert to the administration of those laws when so modified.

971. Do you conceive that the laws being so modified, and the native judges being sufficiently remunerated for their trouble, and being treated with the respect due to their station, there would be any difficulty in their administration arising from the settlement of Europeans among them?—I think at first there might be, but as they gradually became familiarized with their duty, and felt themselves upheld in the responsibility they undertook, they would execute the laws well. They would themselves however have at present, I think, objections to administer the laws between natives and Europeans.

972. Do you not contemplate that the settlement of Europeans in India, with their knowledge of the language and of the habits and of the manners of the people, acquired by their intercourse with them, would enable you to select from amongst those settlers individuals capable of acting as magistrates, and in some instances of filling with benefit judicial situations which might become vacant?—That must depend a good deal upon their capacity and intelligence in those various points. I have certainly seen individuals, out of the service, whose character and knowledge perfectly qualified them for such duty; but it must entirely depend upon that.

973. Would they not have the means of acquiring a knowledge of the feelings and manners and habits of the people, as well as of their language, very far superior to those which are now possessed by the European functionaries in India?—By no means. I should say their intercourse is comparatively very much limited; because, in the first place, they do not move like our officers all over the country: there is the greatest contrast in its different parts; yet such does not prove any fallacy, though indispensable, I would add, for forming anything like a just opinion on the customs, habits, &c. of India.

974. Supposing an individual to manage, for instance, a commercial concern, would it not be necessary for him to mix with much greater intimacy with the natives, than it would for a public functionary of government residing in the country?—Not more than a collector, for instance, does in general; he would be in immediate intercourse certainly with the people much more than the judicial officer usually is, but not more than the revenue officers or custom officers; besides, his duty would be to attend to his own business, more than to seek to attain to knowledge qualifying him for a foreign station.

975. Would not he be prompted very much more by his own private interest to acquire a knowledge of the manners and habits of the people, than the public functionary would?—Merely to enable him to conduct his commercial affairs with

success

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success, his knowledge would be very limited. I have known individuals who conducted business, and yet could scarcely speak the language. There are however others, on the other hand, out of the service, whose knowledge of languages and manners has been very superior.

976. Do you not conceive that the children of the country, born and educated in the country, would have a far greater knowledge of the manners and habits and language of the people than persons sent out of this country?—I do not think they would, judging from what I have observed: they are generally disliked and despised both by natives and Europeans, though their knowledge of the language is often very good; they are not in easy intercourse with either the native or European.

977. Are they not also looked down upon by the government?—Yes, but I know not how it could be otherwise.

978. And is not their condition one of considerable hardship?—It is; it seems to be a great difficulty, and I believe the government acknowledge it to be such, to determine what course to pursue with respect to them. The natives would, I have no doubt, be much dissatisfied to see those persons preferred, and placed over them.

979. So far as you have observed of the intercourse between European residents not in the service and natives, should you say that their treatment of the natives was decidedly different from the treatment of the natives by the Company's servants in public situations?—Yes, I should think so, from the circumstance of one having authority, that is the Company's officer, and the other having always to deal in a fictitious name with them; he could never appear openly as having any right to deal with them in matters of commerce; he was not allowed to hold land.

980. So far as that cause operates, if the law gave them a legal right in the country, would the inducement be removed which now operates upon them to treat the natives with more respect?—That would greatly depend upon their own characters; one must always recollect that their object would be their commercial pursuits, their gain, in short, and that it must mainly depend upon their internal feelings whether they would or would not abuse authority given to them. With respect to the Europeans in some parts of the country where I have been, I must say that I should have every confidence in their conducting themselves well, had they possessed the power which it is now proposed to give them, that is, authority to hold lands and to act openly.

981. Do you not conceive that the Europeans now residing in the provinces, and whose business requires that they should hold or occupy lands, are placed in a very false position as arising from their being prevented from holding and occupying land in their own names?—It is so; at the same time it has had the good effect of making them cautious how they encouraged or permitted disturbance in matters connected with their own mercantile pursuits, while the state of the laws and local courts rendered this extremely necessary.

982. Have Europeans the same means of preventing disturbances on the part of their native servants, when in truth they hold their lands in the names of those native servants?—No; because if they appeal to the courts it would be difficult for them to establish that power over their agents which their private arrangements have given them. Their agents are the ostensible holders of the land which they
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(the Europeans) have the benefit of; and if disputes arise between them and their agents, who are in truth but agents, still they cannot bring that forward, it could not be supported.

983. Are the outrages that may have been committed either by or in the name of Europeans, in some degree attributable to the tardy and imperfect administration of justice by the civil courts in the provinces?—The courts certainly are so crowded and the business so much in arrears generally, that it has often happened; when there appeared no prospect of the decision of a civil suit being obtained within convenient time, that the European and his agents have taken the law into their own hands; but such occurrences could be readily provided against, by having natives, such as commissioners or ameen, dispersed through the country, when all such matters would be speedily settled.

984. Do you conceive that there is a good deal of venality among the native officers of the courts?—I do not think that there is generally, though at the same time I have no doubt that it does exist, its degree depending greatly upon the European officer's vigilance; but I account for it, and might even say apologize for it, in their very inconsiderable pay and hard work.

985. You have said, that you thought that a general code might be formed for the population of India of all descriptions; do you think that in place of having supreme courts at the presidencies, with one species of jurisdiction, and totally independent courts in the country, with another species of jurisdiction, it would be possible to frame a common system of judicature, to be acted upon in all the courts, both at the presidencies and throughout the whole country?—I should think it a matter of no great difficulty; it would imply a revision of the whole of the law, which I conceive would be easy. As for the criminal part, it would be extremely simple, and with respect to the civil, it would be done without embarrassment.

986. Do not you think that an adoption of any change of that kind would be facilitated by having a standing legislative body at the presidency, who might frame laws adapted to the occasions that might arise?—I think that a council formed of the government, and such individuals as compose the supreme court of judicature in Bengal, would be competent to form a code of laws well suited to the administration of justice in all its branches; but I should think that the Governor-general should always have a casting voice in every matter, to prevent the serious consequences which collision among themselves, or delay by reference to this country, might occasion.

987. You have stated that the courts are clogged with business; will you mention what is the description of causes that appears most to impede the discharge of business in those courts?—With reference to the period when I left India, the business of the courts was clogged chiefly by two causes, namely, various petty details that could as well be performed by natives, and summary suits for small amounts, which were first cognizable of necessity in the zillah court, then referred to the collector for report, and again brought before the judge for final decision when that report was received. The decision was after all but a summary one, and a regular suit was at the option of the party dissatisfied afterwards. The number of those suits was often so great and pressing as to induce the judge to devote his time to them;

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them; in consequence of which suits of greater interest and amount to other classes of the community were wholly neglected, and breaches of the peace often occurred in consequence; whereas had such suits been in the first instance rendered cognizable by the native commissioners in the interior as regular suits, they would have been decided earlier and more satisfactorily, and without waste of time to the judge. I remember, in a district of which I had assumed charge, and which may be taken as not an unfair sample of others very generally, there were on the file about 350 summary suits, some of four years' standing; these I suggested to the parties to withdraw and institute as regular suits before the native commissioners, where they were decided in a very short period: I found, moreover, that those which remained on my file were the worst, and as such best suited to a hasty superficial inquiry, which is the character of summary suits.

988. Was there at that time a considerable delay in bringing the cases of a more important nature to trial?—There was very great delay, and chiefly owing to the causes I have hinted; other causes also there were, as miscellaneous proceedings, which might have been equally well performed by natives, but the system of the courts and the regulations precluded the judge from relieving himself of most of this tiresome and lengthened detail.

ALEXANDER DUNCAN CAMPBELL, Esq. called in and examined.

989. Will you state in what presidency you have served in India?—Under the Madras presidency. *Alex. D. Campbell*
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990. State what judicial situations you have filled?—In 1818 I officiated for several months as Chief Magistrate at Madras, when I had charge of the police. I was also twice appointed a Judge of Circuit and Appeal in the provincial court for the centre division, once on the 9th March 1824, and subsequently on the 17th of June 1828; and when I left Madras, in February 1831, I held the situation of Registrar to the courts of Sudder Dewanny and Foujdarry Adawlut, or Company's supreme court at the presidency, at the period when it was proposed to abolish the Mussulman criminal law, and to raise materially the jurisdiction of the various native judicatures under the Madras government, both in the civil and criminal departments.

991. Are you acquainted with two letters, of which copies are now on the table, from the Madras government, in the judicial department, to the Court of Directors, dated respectively the 27th of April 1827, and the 2d of November 1830?—I am.

992. Will you state the nature of those letters?—The first-mentioned letter refers principally to the proceedings of the Madras government antecedent to the establishment of assistant judges, in the civil and criminal departments, at the Madras presidency. The last-mentioned letter contains the most recent modifications suggested at Madras, in the judicial system, consequent on the report of the finance committee in Bengal, regarding the expediency of reducing the expenses of the judicial department at the Madras presidency: it proposes the total abolition of the Mussulman criminal law, the raising materially the civil jurisdiction of all the native judicatures, the appointment of native judges, with the full powers,

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powers, both civil and criminal, vested in the zillah and criminal judges of our European courts, and a modified employment of the junior civil servants on their entrance into the judicial department; it also involves the abolition of the whole of the courts of circuit, and the establishment of seven commissioners to conduct not only the circuit duties, but to control both the European and native subordinate judicial tribunals, and also the police department under the magistrates of the provinces; and it is accompanied by a statement of the saving of expense likely to result from the proposed modifications: it also suggests the abolition of the existing mode of remunerating the native judicatures denominated *district moonsiffs*, at Madras, and a new mode of remunerating them for their services.

993. Do you know how far any of the suggestions contained in the latest of those letters have been or are in the course of being carried into effect?—I have in my possession drafts of the regulations, made by myself before leaving Madras, for carrying into effect the whole of the above-mentioned suggestions in the criminal department, marked from (A.) to (E.) Similar regulations were to have been framed in the civil department; but I left Madras suddenly, from extreme illness, and they had not been prepared at the period of my departure. Three native judges, with the full powers of zillah and criminal judges of the European courts, had been sworn in at the presidency before I left it; but since my arrival in this country, I have understood that the Bengal government revived the order existing during Lord Wellesley's time, for the transmission of all Madras regulations to the supreme government in Bengal before promulgation, and that the above-mentioned drafts were transmitted from Madras to Calcutta. I have not heard the result of that reference, but I believe that, in consequence, the proposed modifications have not yet been carried into full operation.

994. Had any of those three native judges who were appointed, entered on their functions before your departure?—One of the native judges, in the district of Soonda, on the western coast of the Peninsula, had been appointed considerably anterior to the other two, and had entered on and executed his functions for a considerable period before I left Madras.

995. Do you yourself concur generally in the expediency of the alterations suggested in the letter above mentioned?—I concur entirely in the expediency of all the suggestions submitted by the court of sudder adawlut, in their proceedings in question, with the exception of that part of them in which the court state that they do not consider the use of juries to be either safe or practicable; the remark is made by them as applicable to criminal trials before the *native* judges. My opinion is strongly in favour of the use of something similar to jurors on all occasions in criminal trials, both before the native and European judges, as an assistance to the European, and as a check on the native judge. It is a subject of great regret with me that the enactment made by the Madras government, in Regulation X, 1827, to introduce juries gradually under the Madras presidency, never has been carried into effect; the regulation has remained a dead letter, in consequence of the subsequent government disapproving of it.

996. Had no trial ever been given to it?—None whatever.

997. Has the punchayet system been tried in civil cases?—Yes, but without much success at Madras, in the *judicial* department.

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998. To what do you ascribe the want of success with which that experiment has been accompanied?—Most of the suits in India originate with the monied classes of the people who are generally the plaintiffs, against the ryots who are usually the defendants, as borrowers of money from them; and my impression is, that the native bankers find it more to their advantage to institute suits before a distant judicature, in order to induce speedy payment of their debts by their numerous debtors, than before a judicature close to the residence of the debtor. I also think that they consider it more likely that they can influence a single native judicature, than a punchayet. I am inclined to attribute to the above causes the rare resort in the judicial departments to the system of punchayet, which in India has more beneficially exercised its influence in disputes before they come to the length of a lawsuit, than after the parties have become so adverse to agreement as to resort to that extreme measure.

999. What do you mean by resorting to a more distant judicature?—I mean that when a punchayet takes place, it can be held on the spot where the dispute arises; but our native judicatures being fixed at particular stations, when a lawsuit occurs, it is necessary that the party sued should go to the residence of the native exercising judicial authority, which is frequently 30 or 40 or 50 miles from the ryot's home; and natives to whom money is owing find it often to their advantage, by harassing a single debtor with a distant journey, to bring many of their other debtors to a speedy settlement of their debts.

1000. Is the punchayet to which the last question refers a punchayet for the purposes of arbitration rather than for the purposes of deciding a suit which has once been instituted?—Not for arbitration, but for decision. My impression of the enactments of the Madras government, contained in Regulations V, VII, and XII, 1816, respecting punchayets, is, that on an agreement to refer the subject of the suit to decision, by both parties, a village punchayet may decide; or, in particular cases, by one party, a district punchayet may decide; but that the decision takes place by the members of the punchayet in the village or district where the dispute arises, their decree being enclosed in a blank envelope to the native judicature, whose duty it merely is first to assemble them, and then to carry it into execution. In particular cases, either party consenting may constrain the other to refer the matter to a punchayet; but whether it is a district or a village punchayet which is to decide, in these instances, I do not clearly recollect.

1001. Are cases which have been actually brought before the judge ever tried in his presence by the means of punchayet, upon the consent of the parties?—Judges have the power, under Regulation XXI, 1802, to refer disputes before them to arbitration; but when parties consent to refer suits to punchayet they need not travel to a distant European court. The native head of the village, or of district judicature exclusively, has the power to assemble punchayets.

1002. Then, in fact, a punchayet never stands in the shape of our jury for trial of causes?—Never. I have had considerable experience of the use of punchayets, as a *revenue* officer, in the Bellary division of the Ceded Districts, and found them exceedingly useful there in adjusting matters of dispute, both between the inhabitants themselves, and between myself, as the representative of the Government, and the ryots paying land revenue, as well as the merchants, who in that particular

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province pay a very heavy income tax. I have often found these parties resist all argument on the part of my native servants, as well as of myself, but immediately concede the point with cheerfulness when decided in favour of the Government by a punchayet, deferring to the opinions of their equals, though they opposed that of the government officers. In such cases, as well as in numerous disputes regarding village offices, such as the right to the privileges of the head of the village, or of the watchman or other village officers, punchayets have been most extensively employed by the revenue officers in Bellary; and I have scarcely ever found any difficulty in inducing all such parties to agree to that mode of adjusting these disputes. When native animosity increases to such a degree as to terminate in a suit at law, it becomes more difficult to reconcile the parties to this mode of adjusting the dispute.

1003. Do you conceive that any advantage would accrue by enforcing the trial by punchayet in cases of a certain value or amount, not leaving it optional to the parties?—I think it would tend to degrade that tribunal in the public estimation to make a reference to it compulsory; but in very trifling cases I do not think that it would be attended with other disadvantages. I should prefer, however, something of the nature of a jury, to a punchayet; natives, in such bodies, acting much more satisfactorily under the supervision of a respectable officer, particularly of an European, as in the cases I have mentioned in Bellary, than when left without superintendence. It is not necessary that the European functionary should in the remotest degree influence such decisions. But in a ryotwar settled district, an efficient officer of this kind is rather the organ of public opinion than the representative of the Government; and a knowledge that their decree, if unjust, will expose them to public odium, which will find a vent through him, operates as a great check on such punchayets.

1004. Of what description of persons are the members of the punchayet commonly composed?—In the ryotwar settled districts, such as Bellary, there are constantly in attendance at the office of the collectors and magistrates, many hundreds, sometimes thousands of the ryots, particularly at the period of the annual settlements, when occasionally 10,000 or 12,000 people of that description may be congregated together at the same time. The parties themselves are left to select out of those bodies whom they choose, and the collector generally nominates one of the leading agricultural inhabitants, known to be a person of good sense and discrimination, care being invariably taken to ascertain from both parties that he is one to whom neither have any objection.

1005. Supposing a case between a lender of money and a borrower of it to be decided by punchayet, of what description of persons in that case would the punchayet be composed?—The punchayet would consist, in all probability, of two wealthy married men, chosen by the native banker; two respectable cultivators, chosen by the ryot; and a fifth person, of the description above mentioned, selected by the collector. A great deal, in a punchayet, depends upon the proper selection of that fifth person; the other parties enter into violent disputes, each as partizans of the person who has chosen them, and the fifth acts as the moderator to bring both to reason. Some of the decrees drawn up by punchayets at Bellary are admirable specimens of native intelligence, seldom equalled by some of our own European decrees.

1006. Are

1006. Are the members of the punchayet paid for their labour?—Never.

1007. Are they sworn?—They are not sworn; and even intricate disputes in the revenue department, such as I have described, are generally settled within a few hours, or at least in the course of a single day. The dispute must be exceedingly intricate indeed if the decision extends beyond that period.

1008. Is there any limitation to the amount of the suit that is subject to this mode of settlement?—I think not; where the parties agree to settle a dispute by punchayet, there is no limitation of amount.

1009. Is the decision of a punchayet final?—Decidedly so; subject to no appeal, except on proof of the partiality or corruption of the members.

1010. Is the decision of causes by punchayet an ancient custom in the provinces under the Madras presidency, or of recent introduction?—An exceedingly ancient custom in those parts of the presidency with which I am best acquainted, namely, the Ceded Districts; and I apprehend that it will be found to have existed all over the Madras territories, though the resort to it may have been more or less encouraged in different provinces, and it may more or less have fallen into disuse.

1011. Are you aware whether the practice of torture by the native officers, for the purpose of extracting confessions or obtaining evidence, has been frequently resorted to?—Under the native governments which preceded us at Madras, the universal object of every police officer was to obtain a confession from the prisoner, with a view to his conviction of any offence; and notwithstanding every endeavour on the part of our European tribunals to put an end to this system, frequent instances have come before all our criminal tribunals of its use. I recollect a very strong instance of this kind noticed in my own report as judge of circuit; it was in the Cuddapah district, where a native was hung by the heels from the beam of a house. I also recollect a brother judge, on the same bench with myself, mentioning to me very extraordinary means of torture complained of by certain prisoners, in which, with the view of eluding all discovery, the native police officers were accused of inserting heated bougies into the penis of the prisoners; and there is an universal anxiety on the part of the European judicial officers of the Madras government to guard strongly against even well-authenticated confessions, unless most fully corroborated by other evidence, on the ground of the great tendency of our native police officers to resort to this means for conviction. Even where ample proof otherwise exists, it is very difficult to counteract the tendency of our native police officers to induce confession on the part of the prisoners; indeed, we have not yet eradicated from the minds of our native agents that such means of proof have no weight with us.

1012. In criminal trials, is it the practice of the judge to examine, before a confession be given in evidence, whether it has been made under circumstances of fear, or under circumstances of intimidation or torture?—With our courts it is the universal practice to lay before the judge of circuit who tries the prisoner, the whole of the depositions anterior to the trial, including of course any alleged confessions; those confessions are, by regulation, required to be attested by two witnesses, and those witnesses are universally examined; even when they swear that such confessions were freely and voluntarily given by the prisoner, the tendency of our

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European tribunals is in general to place little confidence in such evidence, "on the ground of the tendency of our native agents of police to extort confessions.

1013. May the agents of police in whose custody the prisoner is taken be the attesting witnesses, or must the witnesses be persons who are unconnected with the police?—Our code originally prescribed that the witnesses who attest confessions should be persons totally unconnected with the police; the consequence was, that the police officers called upon many of the more respectable classes of the community to attend whilst such confessions were given. But those persons were so harassed by long journies, in attending first before the European tribunal which alone is competent to commit the prisoner, and subsequently before the distinct European tribunal which alone is competent to try the prisoner, that they evinced extreme aversion to this odious duty, and many even perjured themselves and declared that they were not present, though it was fully proved that they were so, merely to avoid performing similar duties thereafter. The consequence has been, that the original order was so far abrogated, that all police officers above the rank of a common peon were admitted as witnesses to such confessions, under Regulation V., 1819.

1014. Is not torture also resorted to for the purpose of getting evidence as well as confessions, and for extorting bribes?—I do not think that it is generally resorted to for such purposes, though occasional instances may have occurred of such gross abuse. On reference, however, to my report as judge of circuit, I observe that, in the instance at Cuddapah above mentioned, I recorded my opinion thus: "Aggravated, atrocious and reiterated torture, accompanied by murder, had taken place, in order to induce false evidence, and eventually perjury, against innocent individuals unjustly accused of robbery."

1015. Is there not some general term by which it is described; kittee, for instance?—Kittee is the hand-torture.

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The Right Hon. ROBERT GRANT in the Chair.

ALEXANDER DUNCAN CAMPBELL, Esq. called in and further examined.

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1016. WILL you explain the kittee, or hand torture, mentioned in your last examination?—The kittee consists of a piece of bamboo split at one end, the other remaining shut. The hand is introduced at the open end, which is then closed upon it. I believe it was in partial use under the native governments which preceded us in the Madras territories, both as a means of inducing confession in police matters, and payment of arrears of revenue by defaulters. Applying it to the hand, placing a person in the sun with a stone on his head, and sometimes with the trigger of a matchlock shut upon his ear, were means resorted to by the officers

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officers of the native governments, for the purposes above mentioned, which, though entirely discouraged by us, may still partially prevail where the European authority is not so efficient as to check such abuses on the part of our native agency. In revenue matters it has been very generally discontinued, in consequence of the enactments in our Regulations of 1802 rendering the native officer subject to prosecution in the courts for any such measure. I only recollect one instance of its use by a native revenue officer subsequent to those enactments, which occurred in the Bellary district during the administration of my predecessor there, who in consequence of the native officer being convicted of that offence, removed him from his situation; my impression is that he considered him, otherwise, a very able native agent.

1017. How far do you think it would be proper to invest the Governor-General and the other governors at the different presidencies with the power of selecting natives, either at the presidencies or in the interior, to act as justices of the peace in all cases for the preservation of the public peace, or for the purpose of committing persons accused of offences for trial?—I think it highly desirable that such a power should be vested in the local governments. But in making any enactment on this point, Parliament should distinguish the powers vested in the district magistrate of the provinces, by the general enactments of the local governments, over the natives only, and the distinct powers vested in the same European officer, as a justice of the peace, by the statute or common law of England, over Europeans alone. The powers of committal and punishment vested in him in the former capacity have, in the Madras territories, been most extensively conferred on the native officers under him. In his latter capacity, he cannot depute his powers. Indeed, in India the powers exercised by justices of the peace are of two descriptions; the one by the justices in the interior, over Europeans exclusively under the English law, the other by justices at the presidency over both natives and Europeans partly under the English law, partly under the *presidency* laws enacted by the local government. I am of opinion, that with regard to the latter description of cases, viz., those at the presidency, there are many natives to be found amongst those there resident who are perhaps more able even than the European justices to decide on the cases of natives, and that it would be expedient to make it imperative on the local governments to select native gentlemen at each presidency to sit with the European justices on the trial of such cases. With regard to the committal or trial of *Europeans* by natives, I think it involves, in a considerable degree, not only the feelings of Englishmen, but a political question connected with our peculiar government in India; and I doubt whether we should not lower ourselves in the estimation of our subjects, if we rendered cases involving any high offences by Europeans cognizable by the natives *exclusively*. In such cases the Europeans accused would also insist strongly on the right to trial by jury; and I conceive that the preferable mode would be to throw such cases, as far as possible, into the hands of Europeans, and if vested in the natives at all, that they should act as assessors with the European authorities, not independently of them. A native judge would feel perhaps as averse to try or commit such Europeans for trial, as the European would to submit to his authority, on account of the accused belonging to the caste of the Government. Independently of this, the notions which the natives entertain of the law of evidence are in many respects

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respects very different from ours; and the natives would, and do now daily, act upon evidence which any European authority would deem quite inadequate to justify the determination to which the native authority, acting without European assistance, would and indeed does come.

1018. The last question did not contemplate the trial either of Europeans or of natives, but simply that preliminary proceeding which consists in the apprehension of persons accused of offences, in committing them for a more regular trial; the question is rather how far natives would be fit for that preliminary sort of jurisdiction, than how far it would be proper to commit the actual trial of European offenders to their cognizance?—I consider natives perfectly competent to exercise all the powers of investigating criminal offences even by Europeans, previous to commitment; and all the higher native police officers in the Madras provinces do now in fact exercise such authority, in the case of European soldiers committing murder or other grave offences within 120 miles of the presidency, where no justice of the peace is present. The great difficulty with which a native has to contend, in conducting such duty well, consists not in any incompetency on his part, but in the peculiar laws of our own country regarding Europeans. They are at present subject only to the British criminal law, if British born subjects; and the higher courts before whom the case may come might feel greatly at a loss in charging a grand jury regarding the case, or in the event of the jury finding a bill, in the trial of the case itself, if it involved anything of the nature of a confession, or if the proceedings of the native tribunal were defective in that tenderness towards a prisoner, or in any other rules of evidence, which most justices of the peace understand to be essential for correct proceedings on their part, with a view to ulterior proceedings in a higher court.

1019. Supposing either at one of the presidencies, or in the interior of the country, an European to commit a serious offence in the face of day, and no European justice of the peace to be immediately accessible, and such European to be taken before a native committing officer, what power has such native officer of taking cognizance of the case, of inquiring into the facts, and of placing matters in train for the trial of the offender by the supreme court of judicature?—The officers of police *at the presidency* possess no power whatever, except that of arrest; they cannot take any written depositions whatever; and the European authorities exclusively are competent to commit either natives or Europeans for trial before the King's supreme court there. But in the Madras provinces, the superior native officer of district police has cognizance of cases, in the same manner as a justice of the peace in this country; he punishes petty offences by natives, of his own authority, and for higher offences commits natives for trial before the higher courts. As regards Europeans, however, his duty is confined to holding an inquest on the bodies of any deceased persons, to taking written depositions from all parties who have any knowledge of the matter, and to forwarding the case in this shape to the European justice of the peace, who, according to the English law, as explained in Regulation IV., 1809, of the Madras code, has exclusively the power of committing European British subjects for trial. In all such cases, on the matter coming before the European authority, whether at the presidency or in the provinces, new depositions must be taken *ab initio*, and the whole matter must

must be treated as if it had come before the European authority in the first instance.

1020. Do you see any objections to some regulation by which, under whatever restrictions, a power of committal for trial should be given to native officers selected for that purpose?—I see not the smallest objection, if such natives possess a competent knowledge of the English law, or if the law to which the accused is to be made amenable is so altered from the English law, as to be clearly understood by the natives appointed to exercise that authority.

1021. It is understood that justices of the peace have a conclusive jurisdiction in certain criminal cases of a lower kind, is that the fact?—Justices of the peace *in the interior*, under the Act of Parliament passed previously to the last renewal of the Company's Charter, possess power of deciding petty cases of assault committed by Europeans. *At the presidency*, justices of the peace possess the same authority over Europeans; but in addition to that, further authority is vested in them, under regulations of the local governments, drawn up for the good government of the metropolis of each presidency, and registered as the law requires in the King's supreme court. Their jurisdiction, in this respect, extends both over Europeans, and the natives at the presidency subject to the criminal jurisdiction of the supreme court.

1022. Are you of opinion that there should be a power in the governments to select natives who should be invested with those functions which you have described, the exercise of such functions extending both to natives and to Europeans?—I think that, *at the presidency*, it is exceedingly desirable to confer such authority on native gentlemen, both as regards Europeans and natives; such native gentlemen acting, as the Europeans now do, in conjunction with their other brethren of the bench, including Europeans. I myself have presided as superintendent of police over the bench of magistrates at Madras, and the cases coming before that tribunal consist of an exceedingly numerous class of petty offences, respecting which the whole of the evidence is generally that of natives exclusively. That bench also possesses authority to assess the town of Madras for the purpose of lighting the town, and of the police; and I consider the native gentlemen of the place more competent than ourselves, to decide on native testimony, and much more interested than we are in the just, lefty and due application of the funds, to which they themselves largely contribute. It is their exclusion from a seat on the bench of the magistrates *at the presidency*, which I consider the higher classes of the native community at all our three presidencies to view as a severe grievance.

1023. Supposing natives to be made eligible to the situations in question, should you conceive that such eligibility ought to be confined to natives unconnected with government, such as merchants or landholders, or that it should be extended even to those who are dependant upon our government, or officially employed under it?—I do not think that any class of the natives should be excluded; but I conceive that, practically, the government never would thus employ any of the native officers under themselves; for all natives in public offices have too much to do to attend to this duty. The selection should not be confined to the class of landholders, few of whom exist at some of the presidencies, but ought to be made generally from the resident native gentry of the place, possessing most influence, and of the
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highest character in the estimation of their own countrymen. These persons are well known to all the local governments of India.

1024. Would not such a regulation have a tendency to raise the character of the natives at the presidency?—I think it calculated to raise the character of the natives at the presidency, which is also the place of all others, where it is of the greatest importance that their character should be raised.

1025. How far should you think it expedient to extend this privilege to native gentlemen in the provinces?—I doubt the expediency of extending it to them in the provinces, because there the principal native gentry are the resident landholders, against whom principally most complaints are made by the lower classes of the people; and as they seldom see any European, except those in the King's or Company's service, they would shrink from the performance of such a duty, over any except the very lowest classes of Europeans, including the European soldiery. I have already alluded to the questionable policy of such a measure. If a more extended intercourse of Europeans with India were established, and the native gentry in the interior became better acquainted with that class of people than they now are, perhaps the present objections against extending such a measure to the provinces might, so far as Europeans are concerned, gradually disappear.

1026. Then, on the whole, are you of opinion that the experiment of extending the functions in question to the natives should, in the first instance, be tried at the presidencies?—I think that it should be tried, and would there work well.

1027. You have been a good deal examined before the Public or Miscellaneous Committee, on the subject of establishing a legislative council in India; does it occur to you to give any information or opinion upon that subject, which you have not stated before that Committee?—I do not think that I have anything material to add to my former evidence on that subject.

1028. Do you think that the relaxation of the restrictions which a good deal prevent Europeans from entering into the interior of India and forming establishments there, would in fact be attended with the effect of the greatly increased settlement or residence of Europeans in the provinces?—I am inclined to think that it would increase the number of settlers, particularly under the Madras presidency, where the restrictions against the residence of Europeans, not in the service, have been more rigidly enforced than elsewhere, and where I think European capital and skill would find in many cases very useful and beneficial employment; but I do not think they would colonize or settle permanently in India.

1029. Would the introduction of Europeans, as competitors with the natives, in the different branches of trade, agriculture or manufacture, operate upon the whole favourably for the natives in the interior?—Decidedly so; I can contemplate no instance of their operating otherwise. I speak with reference to the few cases in which Europeans have found admission into the Madras territories.

1030. Would the immediate effect of a successful competition be injurious to those who were worsted?—There would be hardly any competition. There could be none with the great mass, viz., the lower agricultural classes of the natives, for no European could, with success, attempt competition with them, nor with the more numerous portion of the other natives employed in actual labour or in the minor branches

branches of trade, on account of the much cheaper rate at which natives live, compared with that of the expenses of the lowest class of Europeans, whose wants are much greater in India than in their own country. The same cause renders it unlikely that any European artisan could successfully compete with the Indian of a similar rank. The great want at Madras is want of capital, both amongst the agriculturists and the traders of the country. The whole of the country is in this respect very much exhausted; and I think that the successful class of European settlers would be those who might employ a large capital in the improvement of the irrigation, or of the agriculture, of the country, or in extensive trade. This would introduce a new set of men into the Madras provinces, distinct from any considerable class of the natives known there.

1031. Do you mean to say that neither native labour on the one hand, nor European capital on the other, would find any competition to cope with it?—Yes, that is my general impression; I also think that European invention, skill, enterprise and superior ability, would lead many of the few natives who do possess capital to join their capital with that of Europeans, more to the benefit of themselves than it is now employed.

1032--3. What natives do you think would contribute their capital in that manner?—The few native capitalists at the presidency, and gradually those in the interior also.

18 April 1832.

Alex. D. Campbell,
Esq.

Veneris, 29^o die Junii, 1832.

The Right Hon. ROBERT GRANT in the Chair.

JAMES MILL, Esq. called in and examined.

1034. HAVE you considered the present state of the law in India, and the provisions which have been made for its administration?—In some degree, I have.

1035. What is your opinion as to the practical effect of the system, and in what degree is the administration of the English law by the supreme courts in India necessary or advantageous?—It has always appeared to me, that two systems of law in any country were a thing of itself objectionable. As far as possible, the people should have but one set of rules to govern their conduct, and those rules as simple as possible, in order that they may be more perfectly known. Two systems of law imply, besides complexity, the expense of two judicial establishments, one for each. The inconvenience, I conceive to be exceedingly enhanced, when the two systems are liable to come on the same ground; that is, when a distinct line is not drawn between the classes of individuals subject to each. In India the limits of jurisdiction have been exceedingly ill defined. The jurisdiction of the supreme courts is extended over the natives to a great, and by no means a well defined degree, whence it happens, that the same persons are subject to two different

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and highly dissimilar systems of law ; and as they are a simple and ignorant people, guided by what they see and hear, and with very little reflection, the confusion thus created in their minds may be easily conceived. The history of the introduction of English law shows that the circumstances which originally called for it have entirely gone by. When it was first introduced, we had no territorial possessions in India, and no subjects : the English were a small number of individuals allowed to establish themselves in the territory of a foreign sovereign : established in a country where the provisions for the administration of justice were most imperfect, the English found themselves exceedingly at a loss : not only questions of property arose among themselves, but a great demand was felt for the suppression and punishment of crimes. It was not considered expedient to have recourse to the tribunals of the country, more especially in criminal cases, both because trust could not be reposed in the equity of the sentence, and because punishments were barbarous ; they therefore obtained from the Government at home a charter for the administration of justice amongst themselves, and in the circumstances of that time, the expediency of administering English law, there being no others than Englishmen to administer it to, cannot be doubted ; but the nature of the case was totally changed when we became the sovereigns of those territories, and established tribunals of our own for the population contained in them. We, however, continued the establishment for the administration of English law to the small number of Englishmen, after the tribunals of the country were ours, in the same manner as we did when the tribunals were the tribunals of a barbarous government, and when we could have no confidence in them. It appears to me, that the purposes which those institutions were intended to serve, not now having any existence, there is no occasion for them. The tribunals of the country are no longer the tribunals of a barbarous sovereign, but our own tribunals ; and therefore to maintain a special set of tribunals for a small number of individuals mixed with the immense population of the country, appears to me in the first place needless, and on account of the inconvenience with which it is necessarily connected, highly impolitic.

1036. Are you not perfectly aware that the supreme courts of judicature, as now constituted, were introduced under circumstances somewhat varied from those which you have described, as the circumstances under which the introduction of the English law took place ; that they were introduced after we acquired territorial dominion, and with the special view of checking abuses, or supposed abuses, committed under the Company's government ; advert to that view of the subject, and consider whether it does, in any and what respect, affect your former answer ? —I am aware that the supreme courts, as now constituted, were introduced subsequently to our obtaining the territory. The courts were established on the present footing, partly with the view of improving the administration of English law, and partly under the supposition now mentioned, that they would afford security against injuries committed by the local government. The courts of English law can interfere with the acts of the Government only when illegal acts have been committed against Englishmen. I am not aware that the history of them affords any great experience of their utility in that respect ; the instances are few, I think, in which the Government have been charged with injuries to Englishmen, for which the supreme courts could afford redress. Besides, it appears to me that an Englishman
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residing in India will always have abundant means of making known his complaints, and urging his claims to redress, if supreme courts were put out of existence.

1037. Do you think that any inconvenience would arise from the doing away with the supreme courts, from this circumstance, that these have now been established for some time, and there are considerable communities which have grown up at the different presidencies, who have been habituated to this jurisdiction, and they are generally supposed to be content with it?—It may be that the change of system would be felt as an inconvenience at first, because a change in anything to which people have been accustomed, especially in what touches their interest so strongly as a system of law, disturbs their thoughts a little when it first takes place. But that disturbance, I think, would speedily wear off, and after all, is nothing of an inconvenience compared with that which seems inseparable from the existence of two exceedingly different and conflicting systems of law in the same country.

1038. It has been alleged by several persons that the natives do, in fact, feel a great confidence in the supreme courts, and a confidence derived principally from the notion that it is a sort of check on the Company; how far do you assent to their opinion?—The natives of Calcutta and of the other presidencies have a confidence in the supreme courts on two accounts. In the first place, they are under the superintendence of a jealous and intelligent public; a good ground of confidence always. That, however, would not be excluded under any arrangement by which the present courts would be superseded. I know not any ground of confidence which, in such a case, would be taken away, except the idea that the supreme courts rest upon an authority superior to that of the Government. Now it appears to me, that this last ground, so far from being an advantage, is altogether an evil, and of great magnitude. The existence of a double authority in the same country of two independent authorities, can never lead to good, must always act unfavourably on the willing obedience of the people, which is the strong arm of the government. It never can be reconciled to common sense, that an authority should exist in any country pretending to be superior to that government to which all must pay obedience, and to which all look up for protection. I think, therefore, the existence of courts upon a footing different from the will of the government of the country, is altogether to be avoided; and that, even if it were deemed expedient to maintain courts for the administration of the English law for Englishmen, it would be a most important improvement to make the commission of the judges run in the name of the Government rather than in the name of the King. The same independence might be secured to them in the one case as in the other; they might be equally appointed for life, and responsible for their good behaviour to the same authorities.

1039. Do you think any advantage is obtained by having courts in India which are in sympathy with the judicature of this country, and the judges of which are supplied immediately from the body of English barristers?—With regard to the mass of the people in India, I do not see how that circumstance should have any operation at all. With regard to the Englishmen, they may be supposed to be attached to their own laws, and possibly enough would have objections to be deprived of what they call the protection of English laws. But that is a feeling which, if substantial security were afforded them by other arrangements both for

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their properties and their persons, I think would speedily give way, and at all events ought not to stand in the way of arrangements that are of importance to the good government of India.

1040. The question being in what manner the objects of good government are best to be secured to the natives, is it of no advantage to them that the supreme courts exhibit in their capitals a standard of judicial administration which is asserted by an authority paramount to that of the Company, and to its practice the Company's courts may in some degree conform their own?—I question very much the idea that the operation of the supreme courts has had any influence in ameliorating the proceedings of the native courts, not only because the two systems are so exceedingly different, but because the intercourse and acquaintance with the proceedings of the supreme courts are extended to so minute a portion of the population and their judges. I may add, that in my opinion the English courts afford more examples of what is to be avoided than what is to be followed in tribunals erected in India.

1041. Do you conceive that at the presidencies an assimilation could be easily made of the English law, which prevails there almost entirely, to any system of law which should also be administered to the natives in the provinces?—The change I should contemplate at the presidencies, in the first instance at least, would be a change with respect to the judicial establishment and the form of procedure, rather than in the law itself. In point of fact, what the supreme court now does is to administer English law to Englishmen, and native law to the natives, though both according to the forms of the English courts. Now, the difference in my contemplation would be, that English law would still be administered to Englishmen, and the native law to the natives, but according to the forms that might be adopted as best applicable to the courts of the country generally. The questions which fall for discussion in courts of law generally, and in India with few exceptions, come under the two great heads of inheritance and contract. As far as questions of contract are concerned, the leading principle of law is the same everywhere, the interpretation of the will of the contracting parties. With respect to inheritance, it is the uniform principle of all the tribunals in India to attend to what is the law of the party before the court; to administer the Mahomedan law of inheritance where the party is a Mahomedan, the Hindoo law of inheritance where the party is a Hindoo, and the English law of inheritance where the party is an Englishman; nor do I see what should hinder the same thing from being done with correctness under the change which I contemplate.

1042. State your opinion as to the efficiency of the country courts, as at present established?—I conceive that as at present established, they labour under considerable defects. When courts for the administration of law to the natives were first established by our government in India, they consisted of three grades, the Zillah Courts, the Provincial Courts, and the Sudder Adawlut; all three were courts of original jurisdiction, but rose above one another in the amount on which they could adjudicate. The zillah courts, of which one existed in each considerable district, had jurisdiction of all causes up to a certain amount; the provincial courts, each of which included the local limits of several zillahs, had original jurisdiction from the point at which the zillah courts stopped, up to a considerably higher amount; and

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and the sudder court, the jurisdiction of which included the whole country, had original jurisdiction in all the higher sums; the provincial courts were, besides, courts of appeal from the zillah courts; and the sudder adawlut was the court of appeal from the original jurisdiction of the provincial courts: such was the provision for civil judicature, both original and appellate. The provincial courts had confided to them, besides, the entire criminal jurisdiction of the country, with the exception of the duties called magisterial, imposed on the zillah judges, including a portion of criminal jurisdiction, analagous to that possessed by the justices of the peace in England, acting singly. Experience discovered, that the establishment, as thus formed, was, in point of extent, unequal to the business which was to be performed. The tribunals of all the grades were unable to get through with that portion of the business which fell to their share. To supply the deficiency of the zillah courts, natives were employed as judges, to decide causes of a small amount. There were then four grades of tribunals of original jurisdiction, native judges, zillah courts, provincial courts, and sudder dewanny adawlut, rising one above another by the amount of the sums for which they could adjudicate, and the one immediately above always acting as an appellate court to the one below. The use of the native judges, the amount for which they could adjudicate, has gone on increasing, till by a recent decision of the government, they are to be intrusted with nearly the whole jurisdiction in the first instance; they are to try all causes up to the amount of 5,000 rupees; and causes in India for sums exceeding this are comparatively few. In the meantime it was also found that the business of the provincial courts, including criminal jurisdiction, with the portion of original and appellate jurisdiction in civil matters assigned to them, was much more than what they were able to accomplish. In 1829 the resolution was adopted of appointing functionaries, called commissioners of revenue and circuit, who among other duties were intended to exercise the whole of the criminal jurisdiction which had belonged to the provincial courts; that scheme proved a failure from the beginning; the commissioners were too few for the duties with which they were charged. A resolution has been recently adopted to relieve those commissioners from the whole of their criminal jurisdiction, that is to say, the judicial duties which had been assigned to them; and in consequence of this, a great change in the whole of the judicial establishment has been resorted to. The jurisdiction in the first instance has been confided to native judges up to 5,000 rupees; and the zillah judges, being thus relieved of almost the whole of their original jurisdiction, are to have the criminal jurisdiction of the country. The system therefore will stand thus: the civil jurisdiction in the first instance, almost wholly in the hands of the native judges; the zillah judges to be judges in appeal from the native judges; the sudder adawlut judges in appeal from the cases decided by the zillah judges; and the zillah judges, besides their original and appellate jurisdiction, to have the criminal jurisdiction entirely; it being part of the plan, that the provincial courts should be abolished.

1043. In what respect might that system be considered equal to its objects, and in what respect deficient?—I think it is much to be feared that an amount of duty beyond what they will be able to accomplish, is assigned to the zillah judges. They are to receive appeals from the native judges, who must be very numerous; they are

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are to have upon their hands the criminal jurisdiction of their districts, and besides all this, a portion of original jurisdiction, viz. in the higher sums reserved to them. One of the most defective parts of our Indian system has always been that of appeal. It appears to me that the correct notion of appeal has not been kept in view: one error, I think, has consisted in giving the business of appeal to courts the principal part of whose time and attention was absorbed by judicature in the first instance. There appears to me one obvious and great advantage in courts for the business of appeal exclusively, and others for original jurisdiction exclusively, and that the two species of jurisdiction should not be joined. A still greater error has been committed in India, by an incorrect notion of the real business of appeal. Courts of appeal acting as such have considered it competent to them to take new evidence, by which in reality their functions ceased to be those of an appellate court, and became a new trial, from which trial of the same cause only by another tribunal, there was in reality no appeal at all. I consider the objection to the taking of fresh evidence in appeal as quite radical: besides its being in fact a decision without appeal, it interferes with other advantages of great importance. If you confine the proceedings on appeal to what is substantially appellate judicature, you may always have your appeals brought before the best tribunals, because nothing being submitted to the court of appeal but the pleadings and evidence, there is no occasion for the attendance either of witnesses or the parties; and the distance of the appellate court from the abode of the parties is therefore a matter of indifference.

1044. Would you think it advantageous, in cases where fresh evidence arises in the appellate court, to send back the cause for trial to another court?—The complaints which come before the appellate court must at the utmost be of three kinds: the appellant complains either that evidence which ought to have been taken has not been taken, or that the evidence taken has not been duly weighed, or that the law has not been properly applied. Now with regard to two of these questions, namely, whether the evidence has been properly weighed and the proper decisions come to, and whether the law has been properly applied, the appellate court is competent to decide them upon the mere view of the record. If the complaint should be, that evidence which ought to have been taken was not taken, the proper course for the appellate court is to send the cause back to the original court, where justice seems to require it, with an order to take the evidence and pass a fresh decree.

1045. In both these cases, would it not retain its real character of an appellate court?—It would do so, confining its functions expressly to the appellate business.

1046. You were proceeding to state the defects of the system as last established in India in the native courts; have you any further remarks to make upon that head?—Another of the defects of the existing courts has been their system of procedure. With a view to avoid prolixity and complication of the pleadings in English law, it has been attempted to confine them to two instruments, the plaint and the answer, and to confine them to the setting forth of material points only. But the business being left to the management of ignorant parties and their ignorant advisers, it rarely happens that the real point in dispute is elicited or an issue joined, and the case comes on for trial before the judge with little or no preparation: the parties seldom know to what points evidence will be required. The attendance
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of numerous witnesses, the great distance they have to come, the uncertainty when their cause will be heard, and the necessity of a long and expensive attendance, constitutes such an obstruction to the business of justice in India as has rendered it almost nugatory with regard to a great proportion of the people. Another objection of mine to the courts in India is, that they have been established upon the principle of one sort of courts for sums of small amount, another sort of courts for sums of higher, the best tribunals for the highest sums, the worst tribunals for the lowest; declaring, in fact, that more care is due to prevent wrongs done to the rich than wrongs done to the poor. The opinion which has obtained but too generally, appears to me most erroneous, that suits for the small sums are suits of the least importance. I think, in point of importance, the reverse is the right order; and I am not sure that the causes for small sums are those which it is the most easy to decide.

1047. Why do you think they are not the most easy to decide?—I do not mean that they are apt to be the most complicated, but that it is most difficult to provide security for the fair and honest decision of them: the rich man can make a noise, and will be heard if he is wronged. The case of a rich man creates attention, that of the smaller sums escapes observation. The great difficulty in India, where there is little aid from publicity, is, I fully believe, in securing honest decision for the smaller sums. Another point on which I think they have erred in India is this, that when they found the number of tribunals too small for the business to be performed, they have so long persisted in forming tribunals with more judges than one. A single judge can at all events get through with a greater amount of business than several judges sitting together, because no time is lost in hearing one another; and there are strong reasons for believing that the securities even for good judicature are greater in the case of a single judge than when the judicatory is more numerous.

1048. Can you suggest any and what improvement in that system, directing your attention first to the judicial establishment?—In India there is a necessity for numerous tribunals, because if justice is not brought near to the poor ryot in India, he is denied access to it altogether; it is therefore not a matter of choice but necessity, to confide judicature in the first instance very extensively to the natives. It has at last become a prevalent idea, that the best arrangement would be to confide judicature in the first instance entirely to the natives, reserving the business of appeal to Europeans. The supreme government in India have now proposed to go very nearly to that extent, confiding the trial of all causes up to 5,000 rupees to native judges. When they had gone so far, I do not see why they should not have gone a step further, and have simplified the system, by confiding jurisdiction in the first instance wholly to the native judges. I confess in the mental state of the natives at present, I should have been afraid to have gone so far; but if they are competent to 5,000 rupees, they are also competent to all the rest. We have however the means, I think, of providing a very considerable security beyond what has been proposed by the Bengal government, against the defects which cannot but be anticipated at first in the judicature of the natives judges. According to my idea of appeal, we should have a temporary resource of a very important kind in the zillah judges, to whom I would give concurrent jurisdiction with the native judges. I think there should be only one appeal from any court; and there being but one appeal
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it should always go to the best tribunal. The best tribunal they have in India is the sudder adawlut; I therefore think the appeals from the native judges, instead of going as now to the zillah judges, should go to the sudder adawlut directly: such alteration would then be necessary in the sudder adawlut as would enable them to discharge the business promptly. I consider it of the essence of appeal, and that upon which a great portion of the benefit of it depends, that it should be decided promptly. If the business of appeal be as simple as I conceive that it is, there would be no objection to appeals going to Calcutta from all parts of the presidency, even the most distant; because the proceedings before the original court might easily be transmitted by the post. By going to Calcutta they would have two first-rate advantages, that of the best judges, and that of the best public. The judges of the sudder adawlut should sit separately, each judge deciding as many appeals as in his power, the number being sufficiently increased to get expeditiously through the business. As one of the uses to be derived from courts of appeal, a use of peculiar importance where local courts are numerous, the law ill established, and the qualifications of the judges not high, is to secure uniformity in the law, an additional and imperative reason thence arises from the presence of the appellate courts on the same spot.

1049. Would it not be difficult to transmit the legal documents to so great a distance?—When papers are to be transmitted by the post, whether the distance is 100 or 500 miles is very immaterial. The proper arrangement, I think, would be that the judges should all sit in one hall of justice, but that each should have his separate apartment open to the public, and that only when a doubtful question on a matter of law arose, they should deliberate and decide in common.

1050. What do you think of the suggestion, that there should be two sudder adawluts, one for the Lower and another for the Upper Provinces?—I should prefer having the appellate tribunal at Calcutta, because the inconvenience of transmitting documents the additional distance is not material; and the public at Calcutta is so much superior, as to be an advantage of the greatest importance. For the sake also of a more perfect uniformity in the decisions of the judges, and of course in the law, they ought to be all on the same spot. As I have now described it, we should have a judicial establishment exceedingly simple: tribunals of native judges for original jurisdiction in all parts of the country, and a tribunal of appeal at the Presidency.

1051. Do you conceive native judges could be intrusted with exercising their functions, without the presence of any European judge?—The native judges are much less fit for the trust to be reposed in them than is to be wished, but there is no remedy; there are no means of having Europeans with them, and we must look out for other securities, and provide the best we can. One to which I have as yet only alluded, would be the concurrent jurisdiction of the zillah judges. As, according to my plan, they would be relieved of all the jurisdiction, both civil and criminal, now assigned them, their whole time would be at disposal, and I would retain them as judges with original jurisdiction, the same as the native judges, giving the option to the people of going before either; a test would be thereby immediately afforded of the degree of trust reposed by the people in the native judges, and a greater check would be thereby applied to them, than by anything,

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in addition to the appeal, which I think we have the means of providing. Something might also be done by the appointment of assessors to the judge, who might be chosen something in the way in which we choose a jury, and would act as a sort of public.

1052. You have as yet suggested no observations with regard to the administration of criminal justice; will you state any observations which occur to you upon that subject?—The business of criminal judicature has generally been treated as more difficult, or at least it has been thought that its errors required to be more carefully guarded against than those of civil judicature. But I doubt whether it is an opinion which is well founded; criminal judicature may be considered as more simple than civil, as really requiring less discrimination and acuteness of mind than a large proportion of civil cases. The injury liable to be sustained by bad judicature in civil matters is often more serious than in penal matters; setting aside the cases of the higher punishments, particularly those implying irremediable injury. If then I am right in this my opinion, that the business of penal judicature is to the full as easy as civil judicature and that it is not more difficult to take securities against the evils liable to be incurred by bad judicature in the one case than the other, there is no reason why the judges to whom the whole of the civil jurisdiction is assigned, should not also be the criminal judges. That being my opinion, I would make the native judges, criminal as well as civil judges. So long, however, as the native judges in India are as imperfect as they now are, it would be desirable and necessary to stay execution in all cases not of a very moderate degree of punishment, till the proceedings were reviewed by the *sudder adawlut*. There would be the inconvenience in that case of taking down in writing the proceedings and evidence; but this, I think, would be amply compensated by the advantages which would attend the arrangement. Some further provisions may be thought necessary with regard to very high punishments, especially those implying irremediable injury, above all, death; but it appears to me that the punishment of death in India might be kept within very narrow bounds, if not altogether abolished: it is known to be part of the character of the natives, to stand more in awe of other punishments than of the loss of life.

1053. What is the punishment more effective on the inhabitants in India than the capital punishment?—They dislike hard labour more, and banishment; and in truth the punishment of death even at present is sparingly inflicted.

1054. Do you apply your system of having native judges in the courts, to criminal cases occurring between a native and an European?—Yes; all questions occurring within the district to be decided in the same manner, whoever the parties may be.

1055. Do you think that it would satisfy an European that his case, either civil or criminal, should be decided in the provinces in those courts where only natives are judges?—The security to the European would be such as I think ought to satisfy him, because he would always have, in the last resort, the benefit of decision by an European judge of the highest grade, and acting under the strongest responsibility. Considerable objection is likely to rise in the mind of an Englishman at the first idea of being subject to punishment upon the award of a native judge. But as all decisions of a native judge awarding punishment beyond a very slight one should

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be stayed until the cause is reviewed by the superior court, no punishment beyond a very slight one would be inflicted upon an Englishman, except by the authority of the English judge.

1056. Do you think that Europeans would be satisfied by having their case decided by judges without a jury?—I think that having security for good decision, they ought to be satisfied. But if the prejudices of Englishmen should raise insuperable obstructions, a special provision might be made for them; a recorder's court might exist at the three presidencies to try Englishmen in the more highly penal cases, and then they might have the satisfaction of a jury also.

1057. If an extension of liberty is granted to Europeans to reside in the country, would it not be fair to exact from them, as a condition of such residence, that they should be subject to the same laws as the natives?—I think not only that it would be reasonable, but that it would be indispensable.

1058. Be so good as to offer any suggestions that occur to you with respect to the improvement in the mode of judicial procedure?—I think the mode of judicial investigation which has been common in India, is to a very considerable degree faulty. It has erred, in the first place, by a very unnecessary departure from the practice to which the natives were accustomed; I mean that of parties appearing personally before the judge and stating their own case. I believe that in India few things would be more efficient for the purposes of justice than oral pleading, which, properly managed, I deem an instrument of inestimable value. The judicial investigation divides itself into two parts; the first, what in England we call the pleadings; the second, what we call the trial. The first part consists in the essence and nature of the thing, in the statements and counter-statements of the parties; and the use of those statements and counter-statements is, that the exact point upon which the controversy turns may be ascertained. This is a matter of so much importance to a right decision, that it never ought to be intrusted to any body but the judge. When the parties are asked by the judge what is their demand and what the ground of it; what the defence, and the ground of it, he sees immediately what is relevant and what is not so, he discriminates what is well founded from what is ill founded, and is so far able, by clearing off all that is unsound and superfluous, to get at the merits of the case, to fix upon the exact point at which the controversy turns. This mode of proceeding is found by experience to have this other most important consequence. When the statements and counter-statements of the parties are made before the judge under the best securities for veracity, a very great proportion of causes stop there, and are satisfactorily conducted. The scrutiny of their statements by the judge enables the parties themselves to see whether they have grounds or not; they consent that a judgment should be pronounced at the first hearing, and all is over without delay and without the expense of a trial. When doubt remains, it is either with regard to a matter of fact or a matter of law: when the matter of fact on which the question turns is affirmed on the one side and denied on the other, then comes the trial, the object of which is to ascertain the truth with respect to the particular fact by evidence. But as the judge himself has thus determined the very fact which is to be proved, no witnesses are called but to speak to that fact. The judge might limit the number of witnesses, and the expense attending it still further; he might require

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require of the parties a list of the witnesses each expected to speak to the point; and by questions eliciting what they are expected to know, and why, the judge would be enabled to discriminate what witnesses there would be any advantage in having, and what there would be no advantage in having, and it might be proper in him in such case, assigning his reasons, to grant his summons for such only as he thought would be useful.

1059. I want to know whether it would be possible to leave the parties to call the witnesses on each side?—The reason why the choice should be left to the judge is, that no witnesses but those who are likely to be really useful, should be subjected to the burden of attendance. The course of proceeding which is now followed in the courts, is attended with very different effects. The pleading, as the first part of the judicial investigation is called, is all in writing, and is reduced to a statement of the demand on the part of the plaintiff, and a statement of the defence on the other part: it is enjoined on them that they should confine themselves to the points which are in dispute. In reality, however, the instruments being prepared by the parties themselves and their advisers, who are incapable of discriminating the point in dispute, are a confused mass of allegations, and are so far from being intended by them to be the real representation of the truth, that they are as wide a departure from it as they can contrive, with any semblance of truth, to make it. There is in reality in this mode of proceeding no issue joined. Two great evils are incurred: one is, that every case, instead of stopping at the first stage, of necessity goes on also to the second, and incurs all the expense of the trial, necessary or not: the second is, that parties, not knowing to what particular facts or points witnesses will be required, are under the necessity of bringing them to every point for which they think it is at all probable they may be needed. With respect to the second part of the judicial investigation, viz. the trial, there is one thing which I should mention, a practice common in Bengal at least, which has been pressed upon them by the amount of business and want of time on the part of the judges; I mean the practice of taking evidence by deputy. A great deal of the evidence is there not taken by the judges themselves, but by the native officers of their courts, and reported to the judges, who decide upon this reported and very untrustworthy evidence.

1060. Have you any suggestions to offer with respect to the law that should be administered in our provinces in India?—The state of the law, the native law in India, is very imperfect; so little is there of what can be called law, that the business of the courts is little less than arbitration. Of law in India, resting on the authority of any legislature, there is none. There are certain books which they call law-books, but they contain only the opinions of certain individuals, and their talk is so general, so exceedingly loose, that it affords little or no direction. The customs of India are in fact the laws of India, that by which almost all rights are created and maintained; and these customs, at least in the great features, have luckily much uniformity. The judges in India have thus a peculiar duty; they have to take evidence not only to the matters of fact which come in dispute before them, but to ascertain the law; that is, to gather from the testimony of witnesses what is the custom of the country and of the place. Here the great practical question is, what can be done to classify and record those customs in a book, under

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such well defined heads and such accurate expressions as would give them in any degree the instructive operation of laws? It appears to me that a great deal might be accomplished. The leading customs which constitute the great directing principles in India, are not so many but that they might be comprehended in general propositions or maxims, which might receive by the Legislature the authority of laws, and thence by degrees a code of laws not interfering with, or disturbing existing rights, but in reality confirming and establishing them, might be obtained. The Regulations of the Government have to a great degree superseded the Mahomedan penal law, which was general in India when we established our dominion there. Our penal law, however, has not much accuracy, and all offences are classed under a few very general heads, so that a very large discretion remains with the judge: but there would be no great difficulty in breaking down those large classifications into subordinate ones, in such a manner as to render the penal law sufficiently precise. It is by no means impracticable to obtain in writing such general maxims both in the civil and penal branches of substantive law, as would afford a tolerable rule for the judges in India.

1061. You have spoken of the courts that have administered one system of law to Englishmen in India, and another system to the different classes of natives. On the supposition that Englishmen were allowed to hold land in India, would you introduce the English law of inheritance?—Not by preference. Uniformity is an important advantage, and the law of inheritance with respect to land should be the same as with respect to chattels, which is the law of the natives: but if it was considered by Englishmen a matter of importance that the law of primogeniture should be preserved, it does not occur to me that more than an inconvenience would be sustained by indulging them.

1062. Do you mean in the system of oral pleading recommended by you, to do away with the present system of plead and answer?—Yes.

1063. Would you have the issue settled entirely by the judges?—Yes.

1064. Have you considered the subject of appeals from India to England?—I have thought of it certainly as a part of the general system.

1065. Do you consider the present system on that head as proper and efficient?—The mode of appeal against decisions in India, to the Privy Council in England, is undoubtedly very defective as hitherto managed. Appeals have been instituted, but no provision having been made for prosecuting them here, the misery of unfinished suits has been the consequence. Steps towards a remedy have been recently taken: it has been under the consideration both of the Court of Directors and the Privy Council, how this evil might be removed. If appeals are to come from India, provision ought undoubtedly to be made in some way or other for their being speedily brought to a hearing and conclusion; but it has never appeared to me, that for attaining the ends of justice substantially, an appeal to England is in reality needed. If you take, as you ought to do, the best precautions for obtaining correct decisions in India, it is unnecessary to go any further. It would be too much to assume, that injustice, after all we can do, would never be committed by the courts in India, because we never can have all perfect securities against injustice; but there is great advantage in having an end of litigation; and I am not apprehensive of so many instances of failure of substantial justice in India, that

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that the remedy for them would be a compensation for the inconvenience incurred by sending them to England. One advantage which is frequently insisted upon, as derived from appeals to England is, that the attention of Englishmen is thereby called to Indian subjects, more fully and more closely than it would otherwise be: first of all, I think the attention of Englishmen is but little turned to the litigations before the Council; I hope that better means will be found of drawing attention in England to the government of India; and at all events, discussions in England must rather operate as a check upon the general proceedings of government, than as a security against mis-decision in the courts of law.

1066. Then is it your impression, that no appeal should be allowed from India to this country?—I think none should be allowed: I think if you make the courts there as good as you can make them, appeals to England will be attended with more evil than good.

1067. Have you attended to the subject, whether Europeans whom we employ to administer justice in India, should be educated for that purpose, or whether Government should trust to their being sufficiently qualified; whether or not provision should be made for their education?—I think an appropriate education for that portion of the servants of the Company, who are destined for the business of judicature in India, has not been sufficiently provided for. Anything that approaches to the nature of education for judges, as the subject is contemplated by me, has not, if I am rightly informed, had place at all. The College at Haileybury has chiefly had in view, as it ought, the business of general education; that the young men sent out might be well educated gentlemen; the object undoubtedly of primary importance. But what has been provided for legal instruction appears to me not to have been very well devised. What I mean is, that it is not directed to what should be the main object of it. The original design of the law-class at Haileybury was that of a class of English law, to which character, I believe, it pretty closely adhered till the time of Sir James Mackintosh, who took a wider range, but gave his instruction an historical rather than a legal cast, dwelling more upon the history of the English constitution than the history of English law, though even that would not have been to the purpose. The present professor, if I may judge by a list I have seen of questions propounded to his pupils, though he has not followed the course of his predecessors, is not much less wide of what I, perhaps erroneously, regard as the proper mark. His questions, for the most part, if what I have seen may be considered a fair specimen, bear on abstract points of moral philosophy and law, and however instructive in themselves, are not so appropriate for young men going to India to settle, pretty much in the way of arbitration, the disputes of the natives, as it would be to show them how the dictates of right reason are to be applied in so peculiar and so important a scene of action.

1068. Considering that the law-class of Haileybury is but one out of many to which all young men are obliged to pay attention, would it be possible in the course of two years, which comprises the whole time of their education, to instruct them to any great extent in the judicial duties which they may have to perform?—I should think not, attending as they do to the other parts of their education at the same time. After all, as the business of judges in India partakes so much of the nature

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nature of arbitration, with little guidance from law or established practice, at present, good sense is the best conductor, and the best preparation in the way of education is probably that which is best calculated to give a clear and discriminating mind. If a man has that he soon finds for himself the practical rules applicable to his situation.

1069. Would it be possible or advisable to have any system in India for preparing those who are to exercise the judicial functions; adverting to the circumstance, that if you establish a formal course of education in England, the rule must be, that the writers should choose the particular line of employment in India before they leave this country?—There is undoubtedly a difficulty in this, that those whom you educate carefully for the judicial line should be appointed to it; but the exigencies of the service and the distribution to be made of the existing agents, can be well understood only in India. But there is also a difficulty on the other side. It is only in England that the best teachers are to be had; and it would not be easy to obtain teachers with high qualifications in India. There would be one advantage in having the information bearing on the duties of judges communicated in India; that it would be given at a more advanced period of life, when it is more likely to be well understood and profited by than at the early age at which it would be given in England, where on the greater number it would not make a very deep impression.

1070. Upon the supposition that the writers, or such of them as showed a turn for that, were in this country to receive a course of instruction in the general principles and practice of law, without supposing them to enter minutely into political or local law, would they not be better fitted for most of the employments that would fall to them in India by reason of their having received legal instruction?—Undoubtedly; the instruction which would be useful, peculiar to those who are to exercise the judicial functions in India, would be useful in regard to every other function they would be called upon to discharge; a great deal indeed of what is done by the collectors of revenue is hardly less a judicial function than trying causes.

1071. Should you think the qualifications in this country would be equally attained by providing a system of instruction which the persons in question would be obliged to go through, or by establishing a test which they should be obliged to answer?—My opinion is, that the best mode of securing the qualifications we desire, would be to leave the young men to acquire them where it best suited them, and to establish a test: but I am inclined to make an exception with respect to legal education, because there is no opportunity in England of obtaining it, at least in that form which is appropriate to India. If, therefore, I trusted to the test in all other respects, I should be disposed, if it could be done, to make appropriate provision for instruction on the subject of law and its administration generally, as well as the peculiarities of both in India.

1072. Would it not be consistent with your last answer that a test should be established and should be rigidly enforced, and that an appropriate system of education should be approved of, which would be always resorted to if it was found to be the best means of qualifying for the test?—I think that none but good effects could be expected to flow from such an arrangement.

Lunæ, 2^o die Julii, 1832.

The Right Hon. ROBERT GRANT in the Chair.

WILLIAM EMPSON, Esq. called in and examined.

IV.
JUDICIAL.

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1073. WHAT situation do you hold?—I am Professor of Law at Haileybury College.

1074. How long have you held your present situation?—I succeeded Sir James Mackintosh, I think in 1824.

1075. What number of lectures do you give?—The College consists of students classed in four successive terms of half a year each. During his first term the student was not expected to attend law lectures; but in consequence of our diminished numbers, I at present lecture the students of the first term together with those of the second. They attend only one hour a week every Wednesday; the students of the third and fourth terms attend two hours a week; that is, one hour on Wednesday and one hour on Thursday. As the general examinations, &c. leave about seven months in the year for lectures, a student who remains the entire two years at the College receives, in three terms, from 70 to 80 hours of law instruction; during the four terms, about 90 hours, according to my present arrangement.

1076. Is it in the nature of your lectures to prescribe any reading to the students who attend them, or from time to time to examine them as to the progress they have made in the subject on which you have been lecturing?—Observing the extreme state of ignorance on the part of young men of 16 or 17 upon these subjects, I have found it expedient to introduce them gradually to what might be called strict law. The same cause has rendered it desirable to take certain text-books, which, as containing the body or raw material of the lectures, they may afterwards go over by themselves. The advantage of collateral private reading is limited by the shortness of the time, and by the difficulty of putting into the hands of the students any great variety of books of reference. I have varied my courses occasionally, for obvious reasons; but my object has been to give every student an opportunity of obtaining just principles, and elemental knowledge on the limits between morals and law in the case of the chief political and civil rights; on the criminal law, English and Mahomedan; and on the law of evidence. With this view my usual text-book for the first and second terms has been the principal chapters of Paley's Moral Philosophy, with the corresponding chapters in Blackstone. By this means I have constituted a parallel line of observation between the nature and extent of moral duties and legal duties: as, for instance, the moral obligation of government and the legal obligation of government; the moral obligation of property, promises, &c., and the legal obligation of property; of different sorts of contract, &c.; the moral obligation arising from the different public and private relations, and the legal obligation arising from the same, pointing out the difference and the reason of the difference. For the third term my principal text-books have been Lord Kames' Essay on
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Criminal Law, Dumont on Rewards and Punishments, the last volume of Blackstone, Russel and Archbold, and so much of Harrington's Analysis of the Bengal Regulations as relates to the Mahomedan criminal law and the Regulations of the Governor and Council. For the fourth or last term my text-books have been Dumont's Book upon Evidence, Stephen upon Pleading, and the first volume of Phillips's Treatise of English Law upon Evidence, with the chapters upon testimony in the Mahomedan and the Hindoo law. The above I consider my usual course. In order to vary the subjects, I have lectured occasionally on the English forms of action, with Selwyn's *Nisi Prius* as a text-book, on Sir Thomas Strange's Hindoo law; and, for the first time, gave the two senior classes, this last half year, lectures on Pothier upon Obligations, and the two junior classes lectures in Domat's Civil Law, relating to succession and inheritance. Respecting the most useful course of lectures, I have inquired frequently of the civilians returned from India what was the best method which they thought I could pursue. I have usually, on their leaving College, requested of the students, who have paid most attention to law, that if, on their arrival in India, they could suggest to me any improvement in my lectures, I should be extremely obliged to them for any communications which they should make to me. It is next to impossible to make lectures upon law popular with the great body of young men. I have from time to time conversed with some of the students themselves upon the subject, in order to ascertain whether any and what alteration in my subjects or mode of lecturing might obtain a greater degree of successful attention throughout my classes.

1077. In consequence of the intimation you have stated yourself to have given to the students that were leaving college, that you would be glad to receive from them any suggestions as to your lectures, have you, in fact, received suggestions from any of them afterwards?—One letter only occurs to me at present, in which not so much suggestion of alteration was made as strong expressions on the importance of the law lectures, and the advantage which had been derived from them, and the daily regret on the part of the writer, that although he was second in my law class, he had not given a greater, and indeed, his principal attention to it. In answer to the latter part of the last question, I ought to mention, that at the end of every month I sometimes ask a few questions, sometimes here and there, upon the subject of the month's lectures. The feeling that the time given for instruction is so short, and my desire to get over more ground, have induced me not to do so as regularly as, upon the whole, would, I believe, have been desirable. At the end of each month I report the progress (according to the rules of the college) which I conceive to have been made in law. My monthly report is more conjectural than positive; a guess given from the incidental answers, from the apparent attention, the regularity of attendance, &c. The real examination is at the end of every term. That consists of a *vivâ voce* examination upon the body of the lectures, and of written answers to a paper of printed questions; the one enabling me to check the other. At the end of every lecture I give out a set of questions, the answers to which will be contained either in the lectures themselves, or in the books referred to. The examination at the end of the term is made up principally of a selection of some of the principal points in the previous papers of weekly questions, modified and enlarged.

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1078. When you state the number of hours given, you mean the number of hours occupied by attendance in the lecture room; but in order to obtain a proficiency, is it not necessary for that student to take a great deal of time privately upon the subject of them?—The test of *mere proficiency*, as rated at the point, somewhere about which, I understood, it was the intention that it should be left, is sadly low. I should think that a young man of ordinary abilities paying ordinary attention during the lectures, would afterwards soon get up his own note-book, or that of others, sufficiently to attain that test. Considerable more is required for what we call *good proficiency*, and a great deal more for *great*.

1079. Is the time, upon the whole, occupied by the subject of law at Hailey-bury as great as you believe to be possible, consistent with the attention to other subjects required by the system established at the College?—The students have, within certain limits, an option left them. There are four European departments. A student is allowed to keep his term, unless he fails in more than two of these, whilst the Oriental languages are considered indispensable. The consequence is, that except a student goes out of his way to give law a preference or partiality, against which the other professors are to a certain degree upon their guard, each endeavouring to protect his own department, it is, after all, a very limited amount of law, first principles, and the general bearings, which alone even a good student can possibly acquire.

1080. Consistently with the general system established there, could that portion, on an average, allotted to them be much increased?—Certainly not; the clever and industrious have their hands full, and more than full. Upon a voluntary system like ours, the idle and the stupid will never be brought to give law a preference over the other subjects; it can only hope to get its share.

1081. Are there lectures most days of the week at the College?—Every day in the week except Sunday.

1082. Upon what principle do you frame the questions put to the students at the regular examinations?—The questions, of course, depend on the lectures. The first object in lectures must be, to create in those who attend them some interest in the subject. I consider the lectures, therefore, of the first and second term as introductory and comparatively popular; the subsequent lectures on criminal law and on evidence go more into detail. Lectures may have made a considerable and a useful impression, and the questions upon them may be judiciously prepared, yet after all, it will be but a very small part of what has been learnt which the regular examination can bring out. It is more difficult to give really efficient lectures on law to young men of 17, who have no previous knowledge or interest in the subject, than those who have not attempted it are perhaps aware of. A lecturer is driven to a compromise, and the time of compromise is one of great nicety. If he is minute and technical, young men just come from school cannot follow him; on the other hand, generalities soon become vague and lose the strictness which constitutes law. The questions at the examination fairly represent the heads of instruction which has been put within the reach of the students during the time. Those who have worked hard can show the respective degrees of progress which they have made, and room is left for nobody to complain that he has not had an opportunity afforded him of answering whatever fraction of the lectures he supposes himself to

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have got up. Criminal law and the law of evidence have been represented to me to be the great practical courses of instruction for actual service; I consequently have passed the two senior terms through them in succession, drawing the attention of the students in the lectures upon the latter subject to the necessity of the method of bringing out clearly in the pleadings the point in issue, and of strictly watching the evidence so as to confine it to the point in issue, with observations upon the credibility of the witnesses, and on the different questions arising out of documentary evidence, with the object of enabling them to apply the principles to cases that may arise. The knowledge and the habit of mind calculated to form a magisterial judgment on these matters is more within the scope of the required and indeed of possible instruction than the talent of conducting a cross-examination. In criminal law I have occasionally explained several of the trials in Phillips's Abridgment of the State Trials, and in the adjudged cases of the Nizamut Adawlut, in order to show the course and the points in which criminal questions practically arise. Considering the extreme technicality of the English law, and also the extreme difficulty of finding what the Hindoo law really is anywhere, and especially in different parts of India; considering, further, the declared impossibility, according to the testimony of the most eminent men in India, that the oldest civilian can sift and adjudicate upon the credibility of native testimony; the more that I have thought of it, the less practicable has the attempt appeared to me to be of usefully labouring in that direction.

1083. Do you think without allowing much more time to the study of law at the College, it would be possible to adapt the instruction given to the young men more closely for the functions which, in case they adopt the judicial line, they will have to exercise in India?—Certainly not; I am quite positive there is not a chance of it. The nature of the case must be kept in view; what it is which has to be taught; the probable qualifications of any attainable teacher; the probable description of person to be taught under a system of patronage, we must remember, and make a proper allowance for the average abilities and industry which a young writer will bring to a lecture room. Under these circumstances, and in so very limited a period as that which is now assigned to law, nothing is left but a choice of the portion of law which can be received. You must give what the student is capable of receiving, and what he is likely to remember. Some time will elapse before he is called upon to apply the instruction; it is, therefore, in choosing the portion, prudent to select principles, both of civil and criminal law, and of evidence of universal application rather than matters of detail.

1084. Have you had any means of knowing how far the legal instruction given at Haileybury has been of benefit in the administration of justice in India?—Not further than a letter or two, and hearing incidental expressions of satisfaction at the attention which some particular student may have given to the law department. If I may add to this question, I would observe, that with respect to the species of instruction to be given by a law professor in England, the state in which the Mahomedan and Hindoo law are left, as far as they are accessible to an English reader, makes it, I think, impossible for a discreet teacher to introduce more Mahomedan and Hindoo law than I have endeavoured to introduce. If legal instruction is to commence with the general principles out of which the different branches

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branches of the civil and criminal law are derived, this description of teacher will probably be less readily found in India than in England.

1085. Have you considered whether it would, on the whole, be expedient, supposing the system of sending writers from this country to India, that the writers should previously to their departure select the line in which they are to be employed in India?—I should think certainly.

1086. Or is it better that they should go out with a measure of general qualification, but without any determined department, without having pitched upon the very department in which they are to be attached?—For all other appointments except judicial ones I should conceive that the same general education might apply, and that no necessity for choice would arise. It is quite otherwise in the judicial. It seems to me impossible that a person who has thought seriously what are the duties of a magistrate can have a doubt but that a degree of preliminary information, the habit of considering such subjects, and at least an acquired preference for them, should be formed, before the person is called upon to act, or is put in circumstances where it is impossible for him afterwards to form the character and acquire the knowledge but at the most serious risks. The law is not *prima facie* an attractive study. Some little pains must be taken to lead a person forward, to give him a turn for it, and put him in the way of ascertaining what the difficulties are, and where they lie. Great difficulties must accompany the administration of every thing which can be called law. This is especially true of a system like the Hindoo, where it is often most embarrassing to distinguish between what is merely moral advice, and what is really meant to be positive and binding law.

1087. Your answer would rather lead to the inference that, in your opinion, the existing system does not make adequate provision for the legal qualifications which are required for the Company's service in India?—I cannot express myself on that point too strongly. I can say truly that I have trembled whenever I have sent out a class, and considered that they were to administer law in India.

1088. On the supposition, then, that there was a greater facility afforded to Europeans to go out to India, and to the Europeans there to attain situations in the Indian service, should you conceive that it still might be expedient to provide legal instruction in this country?—I should think it a scandal in a government which, knowing the difficulties that attend the forming a judicial mind, and acquiring legal knowledge under favourable circumstances, should nevertheless venture to leave its judicial offices to the hazard of finding such men growing on the spot. Whether the instruction should be given here or in India, is one question; that instruction should be given somewhere, is another. Of the necessity of this, in the present state of the Europeans in India, and until a change has taken place in this respect much beyond what I can conceive the free admission of Europeans into India could for a long time possibly produce, I should have thought that there could be no difference of opinion. If Hindoo justice is to be administered *arbitrio boni viri*, it is true that no particular instruction in law will be then wanted; but if it is to be law, as a science and a rule, there are all the difficulties which exist in England, and many more. Unless some provision is made for forming lawyers and judges, to expect that they will go there, and be found by accident as they are

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wanted, seems to me to be one of the very remote contingencies to which no government ought to trust on so important a subject.

1089. You would of course make exceptions?—Of course there may be exceptions now; more exceptions may arise. I speak with reference to the present state, or nearly the present state, of the service, and to the nature and qualifications of the class of Europeans in India. It will be time enough to enter into the question which a change of circumstances, it is true, may occasion, when it has in fact arisen. As soon as there are men competently qualified to choose out of on the spot, it will be absurd to go to the charge of manufacturing and importing them from England expressly for the purpose.

1090. Can you suggest any improvements in the legal education?—If instruction is to be given, and given in England, of course no comparison can be made between the progress which would be made by students taken on an average, and a student chosen upon a principle of selection. Even with that advantage, and still more in the want of it, it is most desirable that they should be a year or two older, and that a considerably greater portion of time should be allotted to instruction in law. Oriental law has to be put into solid and accessible shape as law. There is nothing in the Hindoo law, and not much in the Mahomedan, which a professor can teach with any comfort, at least as far as I am acquainted with it. If I am asked, on the supposition that the qualities and the age of the student, and that the time given to law remain the same, whether law might not be better learnt elsewhere than it is learnt on the system of the College at Haileybury, I should say that the students in law partake of the advantages and disadvantages of that system. I have always thought that for students of ability and industry it is impossible to improve upon the Haileybury system. For the average, it is itself an average establishment, gaining over some characters what it loses in others. For the idle and profligate, our system appeals to no motive to which they are sensible. The only advantage which Haileybury offers in the instance of a young man of that caste is, the chance that in an extreme case he may be stopped, and lose his appointment altogether. Looking, however, at the course of the same description of persons in our public schools and universities, I apprehend that what is most obnoxious at Haileybury is not so characteristic of Haileybury, either in kind or in degree, as might be expected under our voluntary system. At no place whatever, and under no possible system would it be possible to form legal knowledge or a judicial frame of mind in such individuals.

1091. Are you aware of any seminary in which there is now any course of legal instructions which would qualify young writers for judicial situations in India?—The only law lectures with which I am acquainted that could at all answer the purpose required, according to my view of that purpose, are those given by Mr. Amos at the London University. At Oxford and Cambridge there is nothing of the sort. But Mr. Amos's lectures are principally directed for young men in pleader's offices, or who are destined for attornies. The specific objects consequently of those lectures, and the appropriate object of instruction in the case of young men about to fill judicial situations in India are so distinct, that it seems to be impossible to at all satisfactorily combine them.

1092. Would

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1092. Would it not be possible by the establishment of a test of legal qualification for persons going out to India, with a view to the judicial line, to secure a competent measure of qualification?—I see no difficulty whatever, except that the person who is to give the test must be supported by public opinion in the exercise of it in a very different manner from that of which the professors at Haileybury unfortunately found that they had the protection. For instance, I would draw out a syllabus on the subjects in which the young men were expected to qualify themselves; I would point out the source from which the knowledge was to be obtained. Suppose them to come at the end of 12 months or of two years in order to be examined in the different subjects, with full authority to the examiner or examiners to stop them in case they had not obtained a requisite amount of knowledge, I certainly see no difficulty whatever in the case. The terror of the loss of their appointment acting upon them would be a sufficient stimulus to make the great proportion acquire the knowledge, although they were not living under the instruction of a particular teacher.

1093. If an opening were made by which the ascertained qualifications of young men should be itself the passport to India, would or not that security be a better qualification than the system where the young men are first elected?—Certainly; for this is at once a principle of selection. At the same time the deficiency which I have felt at Haileybury has not been that the best students have not paid as much attention and made as much progress as almost a principle of selection could have secured to their respective departments, law amongst the rest. I have been surprised often at their merit. Our misfortune has been that we have had no inducement to bring to bear on the inferior order of students. It is a notion which I early took up, and which I have once or twice suggested, that the only way to meet this difficulty is to give the professors a liberal power of distinguishing in minor cases of demerit. What is wanted is some form of secondary punishment. After all, the evil to be apprehended is, not that they would exercise the powers too hastily, but too slowly. My notion was, that a certain proportion of the students who were at the bottom of their term should not keep their civilian appointment, but that they should drop down as of course to some inferior situation in the service. This would give us a hold on the inferior portion of a term, over which at present we have no hold whatever. They drive as near as they can. Such a power would enable us to whip up the lagging portion of a term. Suppose that sort of power to be withheld us, the advantage of a general certificate over our actual system would tell, in case it were high enough, by securing the exclusion of that portion which we have been obliged to allow to pass. None would be sent out so bad as some which we send out at present. Unless, however, the law students are older, and have more time than at present, I do not expect the improvement will be so great in the qualifications of the most distinguished, as, before my experience, I should have assumed as certain. I conceive, that no certificate could reasonably be put higher than the point which the best students at Haileybury have attained in the law department.

1094. Is there anything in the present system which makes it obligatory on the professors to send out young men who, in their opinion, are not qualified to go?—I should say, certainly there has been felt to be in the College a moral obligation of that

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that description. I have unfortunately, much to my suffering, acted upon it. When I came to the College it would have been very misplaced in me to act on crude notions of my own; I talked with the professors of long standing, to get, as it were, a map of the country. Their account to me was, "We have been for 20 years raising the standard in the College, both in respect of conduct and attainment. We have now got it to a point which, if not answering entirely to our wishes, is nevertheless, on comparing it with what it was in the beginning, highly satisfactory. You must not expect too much; you must consider the difficulties of the case, and recollect what is expected from the young men in other departments as well as your own. The system is one of qualified patronage. The unfitness which is to disqualify must not be tried by a severe scale. The College is not understood to have been founded for the purpose of exclusion but in extreme cases. In all our exercises of this authority, when a discussion has arisen between us and the parties concerned, the public has taken this view of it, and sided with the individual whose appointment was endangered. Your predecessor observed, that the College on these occasions had every thing against it except justice." Consequently, I adopted and maintained as a minimum, as near as I could, the common standard. The dilemma in which the College is placed is one of great hardship. If we exercise the power which we ought to exercise on the part of the public, a storm of indignation is let loose upon the College, such as no other place of education ever was exposed to, and which must have a mischievous effect. Out of doors every body takes up the cry. Our only support is in the individual directors who happen to know the merits of the case. In case we do not exercise the power, and young men imperfectly qualified go out, remonstrances come home from India, that the College does not answer its purpose. It would certainly limit the patronage considerably. But I have always thought that our standard was as a minimum much too low. I know of no remedy of the present system except that the professors should be entrusted with a very considerable discretion in raising it; without such an understanding, I certainly do not expect that any professor (myself for instance) can calculate upon very much improving his own department.

1095. Do you mean to say that the general opinion and feeling of persons connected with the present Indian system are such that the professors cannot effectually exercise that power of selection which by theory you possess?—I certainly say so. Their experience unfortunately convinces them of it.

1096. In what way?—By finding the extreme unpopularity, the extreme odium to which they were subject; the cry that was set up over London, and the apparently worse than indifference of the public; every body joining in the observation, it is extremely hard that young men should lose their appointments for indiscretion, for idleness of a certain description; very hard that parents should be put to the necessity of the expense of an additional year's education, and so forth. One of the practical advantages in the management of the discipline, for instance, of the College which arose from the creation of the London Board, has been, that it enabled us more freely to send away young men who were just keeping within the verge of a positive statute or the like. In my own department I have constantly let young men pass who I think ought not to have passed, because I understood that the average had been raised, and raised much above what it had been formerly

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formerly, and that we had got it as high as the parties to the contract at the establishment of the College, both the Company and the public, either meant or would consent that it should stand. I therefore have all along felt that I had no business to put my department higher, and exact for the law class terms which my colleagues did not exact; I was to take my place with the rest. The public cannot complain that the College has deceived them, by affecting to be a higher security than it has known itself to be. When cases of misconduct were stated and brought before them, the College was almost overturned by the tumult and irritation which was raised (this was before my connection with it), because the professors had done their duty. There is a letter of Sir Thomas Munro's, printed in his works, in which he observes, that he agrees with his correspondent on the extreme hardship of young men losing their appointments for the idleness and errors of youth, since they may afterwards turn out very valuable public servants. I remember observing upon the letter that it was a greater hardship upon the young men and their preceptors, that parents and governors of presidencies should join in a moral destructive to all education and discipline whatever. I do not see how the managers of a place of education are to support it against the observations of a man of Sir Thomas Munro's qualifications. If we are to be of any use, it is as a check; if we do at last take issue with young men on a certain degree, either of stupidity or idleness or vice, and give them notice that that appointment must be the forfeit, and governors of presidencies interpose with the plea of hardship, the possibility of latent qualities and final reformation, no establishment can answer the objects of moral and intellectual instruction which such establishments, whether at Haileybury or elsewhere, are ordinarily expected to answer.

1097. In point of fact, are you able conscientiously to say, that the standard of qualification (I put this as a general question), are you able conscientiously to say, that the standard of qualification at Haileybury has been raised as high as, considering the difficulties with which you have stated the institution to have contended, was practicable?—It is my decided impression and understanding that this is the fact. In making these observations, I ought to add, that my connection with the College is somewhat looser than that of my colleagues, as being a non-resident professor. During the greater part of the year I only go down to give my lectures. It is my rule, therefore, in questions connected with the system, to a very considerable extent to put myself in the hands of persons of great experience and character, who have been in the institution from its foundation, and upon whose judgment and upon whose integrity I can most confidently rely.

1098. Should you not conceive; that the complete loss of an appointment might in some degree be obviated by the plan to which you refer, by letting it fall to something inferior, but not a complete loss in the service?—The loss might be partial instead of total. Many a young man might make a very good soldier who would make a very bad lawyer, a very bad judge.

1099. Do you know whether the Board of Examiners has been as successful in qualifying young men for different situations in India as Haileybury?—I should think decidedly not. From what I have heard upon that point incidentally, I believe that the Examiners of the Board would give a very decided opinion to the same effect. There is no law standard, none in political economy; and the standard in classics,

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classics, &c. for *passing* I have understood to be about the same as our standard for *admission*. We may have passed at Haileybury young men who, on the whole, are likely to make as indifferent civil servants as any who have been passed at the Board. But I cannot think it possible that the effect of successful education should so far go for nothing, that, after the usual allowance has been made for extraordinary exceptions, the Board has with its lower test, and the other circumstances of the case, sent out, on the average, young men as good as our average, or has had anything like proportion corresponding to our best.

1100. If an examination for legal qualification were established, and there were perfectly free admissions of candidates to contend under that examination for the appointment of a writer, do you think that any great improvement would take place in the qualification of those going out to India?—Of course that must depend upon the amount of legal knowledge required in the certificate, and the freedom with which the examiners are encouraged, or at least supported, in the exercise of it. Compared with the present result, I think (other things remaining the same) that it would probably act much more by raising the standard of the lower three-fifths, than of raising the standard of the two-fifths at the top. You would probably have no such bad men pass as pass at present; but you must not expect more, unless the age is altered, or unless the legal department is put on an entirely different footing from what it is at present, and disconnected from the certain amount of Oriental knowledge with which it is now bound up. As long as the Oriental knowledge is a condition to an appointment, and must be verified before the appointment is secure, persons who look to it must first take themselves out of the European market, and devote themselves at once to the East without reprieve; you would not find a great number of persons to do that as it were blindfold; there must be something more than a conjecture or probability of future appointment as an inducement.

1101. Do you mean to say that under the supposed system the best candidates would not be better than they are now unless they were older than they are now, but that the general qualifications would be much improved?—Certainly; the general qualifications might be expected to be much improved.

1102. Would it be possible to open the College at Haileybury so as to make it a general seminary of instruction?—That depends very much upon how far the education which is meant to be given for the Indian service is to be a special education, with reference to special objects. In an attempt to combine the two, the problem would be not to leave out of the preparation for the Indian service any thing which it ought to include of those things which can be taught to greater advantage in this country than in India, and yet preserve such a general system of education as a young man not going out to India would be likely to consider was better for general purposes than he could elsewhere acquire. I am afraid there would be a difficulty.

1103. Is there any special subject of instruction except the study of the Oriental languages?—No, none except the Oriental languages, and a sprinkling in my own department. The references to Oriental law take up less than a fourth of a term in the two senior classes, and little in the junior.

1104. But if it were a general seminary, and with more choice to the students to select departments for which they had a particular taste, or for which they were supposed

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supposed by their friends to be particularly qualified, to the exclusion of other departments, would it not be possible to have a system of legal instruction, the greater part of which might be beneficial for persons not destined for India?—Certainly. My only fear would be this, that it would be in vain to expect that law, or the other branches of more common pursuits should be carried on to a sufficient extent and with sufficient rapidity. A deduction must be made for the Oriental departments. The Oriental professors calculate on two entire days out of the six; part of the other days are also given to Oriental learning; consequently the European professors have to draw up and wait as it were during that time; consequently students not following the Oriental department would rest on their oars those days, and it would be difficult to go on with them, and arrange for the Indian students to overtake them, or fall in.

1105. Would not that be a mere matter of arrangement?—There would be great difficulty in the arrangement. Besides, observe the age at which the students are required to come with whom the other young men would have to mix, and to whose capability, &c. of instruction, they must accommodate themselves. It is beyond their public school age; it is the age at which they are going to or would be at the University. We can expect few, unless those who came in order to give their whole time to law. Considering the great success of Mr. Amos, and the greater aptitude of his course for English practical purposes, few persons would come to Haileybury for law only.

1106. Do you conceive it essential to the education of civilians in this country that they should be taught the Oriental languages?—I can only answer from the conversation which I have had with Oriental professors and civilians: I should say, certainly not indispensable; at the same time it is desirable that they should have beforehand some grammar, and the elements of the Oriental languages, that they might not be detained so much longer at the Presidencies before they are fit to enter on the service.

1107. Is the Oriental language carried further at Haileybury than the point which you deem essential?—From the ability and zeal of the Oriental professors, I have no doubt that it is so. I am quite sure that they endeavour to make the most of their department.

1108. Do you think that the civilians should be older before they go out?—Certainly.

1109. Whereabouts would you fix the age?—I know of no reason why the judicial servants should go out younger than the medical servants of the Company. I have felt that one year additional was extremely important at that age. I have begged hard for it. It was considered, however, that a great deal had been conceded by averaging 16 as the minimum age, in point of law; and by throwing in generally one year more, in point of fact, the average age is 17. It is a great disadvantage, particularly in such a subject as law, to be obliged to lower the pace and keep down the quality of instruction under the point at which the kind of instruction which a lecture can give must be given most satisfactorily to all parties. Besides, the ordinary objections of the Haileybury system tell so much the more in proportion to the youth of the student.

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1110. In what way do you conceive that an open system might best be made to secure the maximum of qualification, the greatest possible measure of qualification in a young man going out to India?—The qualifications you want are both moral and intellectual. Let an option (according to the vacancies) be given to the young men who have distinguished themselves at our public schools or universities, of those who have made the option, let a certain amount of knowledge in law, and, if you please, in political economy and the Oriental languages, be required, there can be no doubt but that, if the terms of the option are properly watched, a much higher degree of moral and intellectual education on the whole will be obtained than any system of patronage can secure.

Veneris, 6^o die Julii, 1832.

The Right Hon. ROBERT GRANT in the Chair.

Sir ALEXANDER JOHNSTON called in and examined.

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1111. How long were you in India, and what offices did you fill there?—I was sixteen years in office on Ceylon: during that time I held different situations of trust and responsibility under the Crown; for ten years I was Chief Justice, First Member of the High Court of Appeal, and President of His Majesty's Council.

1112. Were you ever on the continent of India; in what part, and for what time?—During the whole of the period I was in Ceylon I directed my attention very much to a consideration of the nature of the government, of the laws, and of the administration of justice in the peninsula of India; and with a view of becoming locally acquainted with the circumstances of the country and the character of the people, I made two journeys by land from Cape Camorin to Madras and back again, the one in 1808 and the other in 1817.

1113. Had you any and what opportunities of personally observing or inquiring into the administration of justice in the peninsula of India?—I attended the proceedings of the different courts of justice, and I conversed upon the subject with several of the judges.

1114. Judges of the Company's courts?—Yes; and with the best informed of the natives of the country.

1115. It is understood that you were mainly instrumental in introducing into the administration of justice on Ceylon considerable alterations, especially as affecting the natives of that country?—As soon as I became Chief Justice, and First Member of His Majesty's Council, in 1806, I felt it to be my duty to state it officially as my opinion, that the surest way of retaining Ceylon and the rest of our Indian possessions was to admit the natives of the country to a share in the government of the country, and to allow them to administer justice to their countrymen. I also felt it to be my duty to state it officially as my opinion, that all laws by which they were
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to be governed ought, before they were passed, to be discussed and assented to by assemblies or councils in which all the interests of the different classes of natives were adequately represented. With this view of the subject, I advised the government of Ceylon to adopt various measures, and at the request of the Governor and Council I came to England in 1809, for the purpose of inducing the then Colonial Secretary of State to authorize those measures to be carried into effect. The late Marquis of Londonderry, who was then Colonial Secretary of State, entered fully into my views, and determined that all the measures I had advised should be carried into effect. However, his Lordship, in consequence of his sudden resignation of office in 1809, was only able to carry into effect before his resignation such of the measures as were necessary to introduce trial by jury amongst the natives of the country, to take off the restrictions which prevailed against Europeans holding lands and settling on Ceylon, to emancipate the Catholics in the island from the disabilities under which they had laboured for 150 years, and to encourage the gradual abolition of domestic slavery throughout the country; these four measures had formed part of a general plan which I had previously proposed to the late Mr. Fox for the improvement of the condition of the people of India. In the year 1802, when I was about to leave England the first time for Ceylon, I had various conversations on the subject of India with that gentleman, and in consequence of the request that he made to me at that time, I sent home to him in 1806 a paper containing some observations which I had drawn up on the alterations which I thought advisable in the administration of justice and in the government of the East-India Company's possessions on the continent of India. This paper was given to him by a relative of his and mine in the year 1806, when he was at the head of the administration, and I received an intimation from him through the same relative, that he approved of all the measures which I had proposed. If the Committee wish, I will produce a copy of this paper. Twenty-six years' experience, and a constant attention to the affairs of India, convince me that the measures which I then suggested are the most efficient which can now be taken for securing permanently the British authority in India.

1116. Are there any and what accessible documents, showing the measures which in fact have been introduced into Ceylon by your means, and the results of them upon the interests of that island?—Yes, there is a paper which was drawn up by a friend of mine in 1826, which contains a very full statement of all the different circumstances connected with the introduction of trial by jury into Ceylon, and a copy of the letter which I wrote to Mr. Wynn in 1825, when he was President of the Board of Control, giving him an account of the reasons for which I had extended the right of sitting upon juries to the natives of that island, and of the effects which that measure had produced. It was upon this letter that Mr. Wynn, in 1826, introduced the Act for extending the right of sitting upon juries to the natives living within the local jurisdiction of the Supreme courts of Bombay, Madras, and Calcutta.

1117. Speaking both from the personal observation and inquiries which you have made respecting the administration of justice in the peninsula of India, and also from the attention you have subsequently bestowed upon the subject, have you any remarks or opinions to offer as to the judicial system there established, either

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with reference to its constitution or its practical effects?—The late Marquis of Londonderry having, after my last return from India, requested me to draw up for his use a statement of what I conceived might be an improvement in the system of administering justice in the peninsula of India, I gave him such a statement in 1822, and beg leave to refer to it. In it I confined my observations to the British territories under the presidency of Madras, having at that time been more acquainted with them than I was with those under the presidencies of Calcutta and Bombay. I, however, beg leave to add, that subsequent information leads me now to think that what I then proposed for the territories under the presidency of Madras is also, with certain local modifications, applicable to the territories under the presidencies of Bengal and Bombay.

1118. Have you any suggestions or improvements to offer which are not contained in that paper?—The paper which I sent to the late Mr. Fox in 1806, that which I gave to the late Marquis of Londonderry in 1822, and that which was drawn up by a friend of mine in 1826, contain a general view of the several measures which I think necessary for the improvement of British India. As the Committee have requested me to give them in evidence, I beg leave to refer to them, and to add, that my original plan was to try all the measures advised by me in the first instance on Ceylon, and if they succeeded in that island, then to introduce them into the continent of India. The principal objects of these measures, in as far as they relate to the administration of justice, is to frame a special code of laws for British India; to abolish the distinction which now prevails between King's and Company's courts; to introduce one uniform system for the administration of justice throughout British India; and to establish a supreme court at each of the three presidencies in India, and a high court of appeal in England for the purpose, under the vigilant superintendence of both Houses of Parliament, of constantly securing the efficiency of every part of that system.

1119. Do you advise that the half-castes should have the privileges of British born Europeans?—Yes.

1120. Do you mean that they should be admissible to the places now held by the Company's covenanted servants?—Yes.

1121. How would that interfere with the regulations of the Company's service, by which writers are appointed in this country to go out to India for the purpose of occupying situations there?—I mean that half-castes should be deemed eligible to writerships in this country in the same way in which European born British subjects are now eligible.

1122. On the supposition that Europeans were more extensively admitted to reside in India, would it or would it not be desirable that situations which are now held by the Company's civil servants should be opened promiscuously to European or half-caste residents in India?—I certainly think it highly advisable that Europeans who are established in India, though not in the civil service, should, if they be properly qualified, be eligible to any of those situations.

1123. Will you explain more fully the plan which you have suggested for uniting in one system the King's and Company's courts in India, and subjecting them all to the superintendence of the three King's courts at the presidencies?—As my view
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of the subject is explained in the papers to which I have already alluded, I beg leave, by way of saving the time of the Committee, to refer to them.

1124. Have you considered the comparative merits of the present system of judicature in India, and that of which you recommend the substitution in the article of expense?—I have considered it generally; I think the system I propose will not be so expensive as the present system.

1125. Are you able to state why it would be cheaper?—Yes; because, independent of other circumstances, a great part of the system proposed by me for the administration of justice will be carried on by native judges, who require smaller salaries than European judges.

1126. Would you recommend any systematic provision for the purpose of qualifying those who are to fill judicial situations under your plan?—I should recommend that all Europeans who are destined for judicial situations in India should receive in this country, previous to their going to India, a regular education adapted to the judicial situations which they are to fill.

1127. If a test of qualification were rigidly enforced, would that answer the purpose?—I think it would, provided the persons who are to apply that test are men who themselves have had judicial experience in India.

1128. Would there not be a difficulty in finding means of qualifications, if the candidates were to be left to discover such means for themselves?—Yes; I should recommend the establishment of professorships for the purpose at one of the English universities, in the same way as professorships are established at Edinburgh, for the purpose of educating young men for the Scotch bar.

1129. Might not some use be made of the institution at Haileybury for the purpose in view, even supposing it to be discontinued in other respects?—Certainly.

1130. Will you state what is your opinion as to the merits of the proposition recently made from Bengal for the establishment of legislative councils in India?—I think that the formation of such councils in British India is highly advisable. I, however, think that a certain number of the most distinguished natives of the country ought to be admitted as members. I am convinced that the admission into them of native members is the surest way of rendering those councils efficient, popular, and beneficial to the natives of the country.

1131. Have you considered in what way such natives should be selected or appointed for the purpose in view?—At first, considering the novelty of the institution, it may be necessary for Government to select the native members. Measures should, however, I think be immediately taken by Government for forming an enlightened body of constituents amongst the natives of each province, and for calling upon them in future to elect the native members of council from their own body. In the eastern province of Ceylon the experiment of having a native council was first tried in the year 1783, by the then Dutch government. The great advantages which had been derived by that province from having such a council led me, in 1806, not only to propose its revival in that province under the British Government, but also to recommend that similar councils of natives should be formed in every one of the British provinces on Ceylon. I conceive that the natives of Bengal, Madras, and Bombay are not only not less competent, but are, generally speaking, more competent for becoming members of such councils than the

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the natives of Ceylon. The whole of India had been governed, for upwards of 2,000 years before the arrival amongst them of Europeans, by natives of the country, and had attained very great perfection in arts, literature, agriculture, manufacture, and commerce; it is therefore to be inferred that the natives are just as competent as Europeans can be to legislate for their own wants and their own country.

1132. Considering that the form of the British Government now established in India is in so great a degree despotic, do you conceive that the natives are yet ripe for so great a change as should introduce them to the highest places of Government?—The native population of British India consists, amongst others, of natives of high caste, high rank, great wealth, great talents, and great local influence, most of whom would, if a native instead of an European government prevailed in India, hold the highest offices in the state. I conceive that it is a great political object to attach such a class of natives to the British Government, and that the most certain way of doing so, is to declare them, even under the present system of government, to be eligible to some of the higher offices of state.

1133. How would their exercise of such authority comport with the maintenance of the British supremacy?—If they knew that the offices and the honours which they held depended upon the continuance of the British supremacy in India, they are more likely to support that supremacy with all their influence in the country, than if they felt, as they do at present, that they have no such offices and honours to lose by the overthrow of that supremacy.

1134. Would you then render natives eligible to the situations, or any of them, now held by the Company's covenanted servants?—I would render them eligible to all judicial, revenue, and civil offices. Even now, by a recent regulation, they are appointed to fill very high judicial situations.

1135. By the regulation to which you refer, the natives being eligible to judicial situations for the decision of suits of the value of 5,000 rupees, do you see any reason why they should be limited to that value?—None whatever.

1136. Would not, however, the general admissibility of natives to the situations of the Company's service wholly break up the system of patronage by which those situations are now filled?—If it should be thought necessary to keep up this system of patronage, the situations to which natives are declared to be eligible may be limited, both as to their amount and as to their nature.

1137. Are you of opinion that the judges at the presidencies should be members of the legislative councils?—The judges of the Supreme court in Ceylon are members of the King's Council on that island. The object in placing them in council is, that they may, from their knowledge of law, advise the Governor and Council upon all points of law connected with the different questions that come before the Council. In the same way the judges at Calcutta, Madras, and Bombay, may be extremely useful as members of the councils at those presidencies. As the King's judges are independent of the local governments, they are likely to give those governments more independent advice upon subjects, in which the feelings of Government are concerned, than persons who are dependant upon those governments for their promotion.

1138. You have spoken of "numbers" of the natives being members of the legislative councils; what in your opinion should be the number of counsellors?—
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Such a number of them as may induce the natives of the country to believe, that the interests of all the different classes of natives are fairly and adequately represented in those councils.

1139. Would you have the majority of the Council natives?—That I think must depend upon the nature of the powers with which these legislative councils may be ultimately vested.

[*The Witness was requested by the Committee to furnish the Committee with Copies of the Papers which he had tendered in the course of his examination.*]

Joris, 9^o die Julii, 1832.

The Right Hon. ROBERT GRANT in the Chair.

Sir ALEXANDER JOHNSTON called in and further examined.

1140. You have brought with you a Paper which you promised to the Committee last time?—Yes.

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1141. And which you stated that you had communicated in the year 1806 to Mr. Charles Fox?—Yes; (A.) is a copy of the Paper which I sent to Mr. Fox from Ceylon in 1806; (B.) a copy of that which contains a detailed statement of all the different circumstances connected with the introduction of trial by jury and the abolition of domestic slavery on Ceylon; (C.) a copy of that which I gave to the late Marquis of Londonderry in 1822, and (D.) a copy of that which I gave to Mr. Wynn, then President of the Board of Control, and to some of the other members of the Privy Council in 1826, upon the subject of the appellate jurisdiction of the King in Council, in cases of appeal from the Supreme and Sudder Adawlut courts in India.

See Paper (A.)

See Paper (B.)

See Paper (C.)

See Paper (D.)

1142. On your former examination, you suggested that a general code of laws should be framed for India, which should be adapted to the different religions that prevail in that community; have you at all considered what means should practically be taken for framing and adopting such a code?—I should propose that the plan explained by me in (A.) should be adopted for that purpose. I followed with success a similar plan (*vide* E.) while in Ceylon, for collecting materials for framing a Hindoo and Mahomedan code for the use of the Hindoo and Mahomedan natives of that island; and I am of opinion that such a code as I have proposed for the use of British India in (A.) may be completed in the time I have mentioned in that Paper.

See Paper (E.)

1143. That is three years?—Yes.

1144. Have you any suggestions to add to those contained in your Paper, respecting appeals to the King in Council from India?—I have only to add, that measures ought immediately to be adopted for relieving all the parties to the appeals, which have been so long pending before the Privy Council, from the great expense

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expense and inconvenience to which they have been subjected by that delay. In order that the Committee may know what measures it may be advisable for them to adopt, I shall beg leave to explain to them the nature of those which have already been taken upon the subject. In 1809, the late Marquis of Londonderry, then Secretary of State for the Colonies, when he appointed the Chief Justice, First Member of the High Court of Appeal, and President of His Majesty's Council on Ceylon, being fully aware of the defects of the constitution of the Privy Council, considered as a court of appeal from the courts in India, and knowing that the offices which I held would enable me to become thoroughly acquainted with the subject, expressed a wish that I would give it, while on Ceylon, the most mature consideration, and when I returned from that island, report my opinion to him as to the best mode of rendering the Privy Council an efficient and expeditious court of appeal for hearing cases in appeal from India. In order to enable myself to acquire all the necessary information, I, previous to my departure from England in 1811, with the assistance of the late Mr. Chalmers, then one of the clerks of the Council, examined the nature of all the proceedings which had taken place from the earliest period before the Privy Council, in cases of appeal, from all the British colonies, and made copies of the opinions which all the Crown lawyers and judges had at different periods given upon the question; and during my stay on Ceylon examined most attentively all the proceedings which took place in India in cases which were appealed from the three courts of sudder adawlut in that country, to the King in Council in England. In 1822, I, after my return from Ceylon, at the request of the late Marquis of Londonderry, gave his Lordship, as I have already mentioned, the Paper of which (C.) is a copy. As the Marquis died soon after, no steps were then taken for carrying into effect any of the measures which I had proposed in that Paper: one of them was the measure for calling in aid of the Privy Council, whilst sitting as a court of appeal in Indian cases, a certain number of the retired King's and Company's Indian judges. In 1825, on my attention being again directed to the subject, I found that in consequence of a variety of different circumstances, particularly of the ignorance of the natives of India as to the mode of prosecuting their appeals before the Privy Council, scarcely any appeals whatever from the courts of Sudder Adawlut, in which natives of India only were concerned, had been heard and decided by the Privy Council since the year 1799, and that nearly 50 cases, some of which were of great private and public importance, were in arrear, and had become a cause of great expense, great inconvenience and great dissatisfaction to all the natives of India who were in any way connected with them. In 1826, knowing, as I did, that it was the Marquis of Londonderry's intention, had he lived, to have advised His Majesty's Government to adopt the measure I had proposed relative to Indian appeals, I felt it to be my duty to call the attention of the Board of Control, and some of the members of the Privy Council, to the subject, and with that view drew up the Paper of which (D.) contains a copy, explaining to them the nature and extent of the appellate jurisdiction of the King in Council in cases connected with British India, and pointing out to them a mode by which the Privy Council itself might be rendered, without any additional expense to the public, a most efficient court of appeal for all Indian cases. In order to facilitate the proceedings of such a court, and to enable the

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See Paper (C.)

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Privy Council to decide without any further delay upon the cases which had been so long in arrear, I, in pursuance of the plan contained in the Paper (D.) suggested to the then President of the Board of Control the utility of employing Mr. Richard Clarke, a retired civil servant of the East-India Company, well acquainted with the proceedings of the Company's courts in India, as a registrar for Indian appeals in this country, an office which will afford the Privy Council the means of acquiring without delay a thorough knowledge of the nature of all the different cases which may be appealed from India, and of deciding upon each case, if the parties require it, without putting the parties to the expense and delay of being heard by counsel. Mr. Clarke having, in consequence of my suggestion, been employed by the Board of Control in communication with the Court of Directors, and having completed an analysis of the several cases of appeal now in arrear, the present President of the Board of Control, with the most laudable anxiety to relieve the natives of India from the grievance which they have so long suffered, and to prevent for the future all unnecessary delay in the hearing of Indian appeals in this country, in March last, requested Sir E. Hyde East, the late Sir James Mackintosh and myself, to assist him with our advice upon the subject. The Paper (F.) contains copies of the letter which Mr. Grant wrote to me upon the occasion, of my answer, of the joint opinion of Sir E. Hyde East, Sir James Mackintosh, and myself, of a letter which I subsequently wrote to Mr. Grant, and of a paper which I enclosed in that letter, explaining to him in detail all the different measures which I, after consulting with Mr. Clarke upon the subject, thought necessary to be adopted in India and in this country. These papers have, I understand, been forwarded by the President of the Board of Control to the Privy Council, and are now under their consideration.

See Paper (F.)

1145. It has been suggested to the Committee, that instead of allowing an appeal to the King in Council from India, there ought to be constituted in India a final court of appeal from all the different judicatures there established; what is your opinion of that suggestion, comparing it with the plan which you have recommended?—I think that the court of appeal, if established in England according to the plan I have proposed, will be a more competent, a more independent, a more popular, and a less expensive court of appeal than any which can be established in India. A more competent one, because it will be composed, which it could not if it were established in India, of the most efficient of the King's and Company's judges who have retired from the service, after having held for many years the highest King's and Company's judicial situations in India, and who must possess more judicial and local information than can be procured from any other persons relative to every part of India. A more independent one, because it will be composed, which it could not if it were established in India, of men who have retired from the service, and are independent in their circumstances, and who therefore can have nothing to fear or to hope either from the local government or from persons high in authority in India. A more popular one, because it will, from being connected with the Privy Council, and from being supported by an enlightened British public, be able, which it would not be if it were established in India, effectually to shield against every unjust and party attack those Indian judges who may feel it to be their duty, however detrimental to their local interest and to their comfort

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in society, to protect the natives of India against any description whatever of arbitrary exaction or oppression. A less expensive one, because it will be composed, which it could not be if it were established in India, of judges of talent and experience, who are to receive no pecuniary remuneration whatever as judges of the court of appeal. To avoid all unnecessary delay and all unnecessary expense, I should propose, if such a court be established in England, that a person thoroughly acquainted with the nature and proceedings of the King's and Company's courts in India be appointed registrar of the court in this country for Indian appeals. That all the appeals and all the papers connected with them be sent direct from the courts in India to this office. That it be the duty of this officer, as soon as he receives the papers in each case, to arrange them and make a report upon them to the court. That it be the duty of the court, after perusing the papers, to decide upon them without delay, hearing counsel or not in each case, as the parties interested in the case may require. If these rules be adopted, the result of every appeal to England may be known in India in ten or twelve months from the date at which the appeal papers were originally forwarded from India to England, and the only objection, that of delay, which is urged with any weight against the court of appeal being established in England, will be effectually answered, and all grounds removed for depriving eighty millions of His Majesty's subjects in India of the right of appealing to the King in Council in England, which every British colony in every quarter of the globe has already possessed, which they themselves have enjoyed for the last sixty years, and which is of peculiar importance to them in the present times, when in consequence of the great progress which they are making in knowledge, and of the enlightened views which they are beginning to entertain upon all questions of law and government, they are more in want than ever of the protection of an independent court in England, whose proceedings will always be subject to the observations of an active press and both Houses of Parliament.

1146. Your answer seems to imply the continuance of the present system; in other respects how far would you modify your opinion, on the supposition that such a change was to take place as to introduce into India an extra number of European residents, to create a local public of greater influence and efficacy than now subsists in that country, and in other ways to supply both more materials for an appellate court and a more efficient control, by means of a public supervision over the proceedings of such court?—My opinion is certainly formed upon a consideration of the present state of society in India: many years must pass before it will be advisable for the natives of India to relinquish the right which they now enjoy of protecting themselves against injustice, by an appeal to the King in Council in England.

1147. Supposing a general code to be framed, what means would you recommend to secure a due application of it among the natives of India?—I should advise that it be translated into the most common languages of India, and that its nature be publicly explained to all the people of the country by public officers appointed for the purpose.

1148. Would it be necessary, in framing such a code, to consider very particularly the state of the different communities now in India, not being Europeans?—It will be necessary, in framing such a code, to consider most carefully the laws, usages, and

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and feelings of the natives of all the different castes and of all the different religious persuasions which prevail in India.

1149. How far are the Catholics in India recognized by the local government, or in connection with it?—As I have been recently engaged, as Chairman of the Committee of Correspondence of the Royal Asiatic Society of Literature, in collecting information relative to the state of all the Catholics in India, I have in the course of my inquiries received a very interesting letter upon the subject from the Abbé Dubois, a priest of the Catholic religion, who has been 31 years in India, and is thoroughly acquainted with the state of the Catholics in India: I beg leave, in answer to this question, to refer to the Paper (G.), which is a copy of that letter.

See Paper (G.)

1150. Would it be expedient that any control should be used by Government over the ecclesiastical appointments among the Catholics in our dominions?—I think that, considering the number of the Catholics who are now in the British territories in India, some arrangement ought immediately to be made upon the subject, by the British Government and the Pope. I think it my duty to add, that the conduct of all the native Catholics who were within my jurisdiction while I was Chief Justice and President of His Majesty's Council in Ceylon, was such as to convince me, that whenever the Catholic natives in India are properly superintended, as they are in Ceylon by their priests, they will always form a most loyal and a most respectable class of His Majesty's subjects in that country. The number of native Catholics in Ceylon is upwards of 100,000, and in the course of the whole of my judicial career in that island I observed that fewer offences were committed by natives of that religious persuasion, than by natives of any other religious persuasion whatever on the island.

1151. Have you any suggestion to offer as to the expediency of having a maritime code for the use of the natives or Europeans navigating the Indian seas?—I beg leave, in answer to this question, to refer to the Paper (H.), which is a copy of the plan which I some years ago gave to the Admiralty, for framing a maritime code for the use of all the different natives of Asia who navigate the Indian seas, and who trade with the several British possessions in India. This plan was formed by me, upon the information which I had previously collected while I was Judge of the Vice-Admiralty Court on Ceylon, relative to all the maritime laws and usages which had prevailed at different times amongst the Chinese, Hindoos, Persians, Arabians, Malays and Maldivan navigators and traders. I shall soon be able to obtain further information upon this subject, as I am engaged at present, as Chairman of the Committee of Correspondence of the Asiatic Society, in collecting from every part of Asia all the documents which can be procured relative to this description of law, for the use of Monsieur Pardessus, the celebrated French lawyer, who is about to publish a history of the maritime laws and usages of every quarter of the globe.

See Paper (H.)

1152. Have you turned your thoughts to the subject of domestic slavery in India, and would you offer any suggestions on that subject?—I felt it to be my duty, from the time of my arrival on Ceylon, to adopt such a line of policy in my official capacity as would, I thought, inevitably in a short time put an end to the state of slavery in that island. Having, on my return from England in 1811, as Chief Justice and President of His Majesty's Council, brought out with me the Act of 1811,

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See Paper (I.)

declaring the trading in slaves to be felony, and a commission authorizing myself and certain other commissioners to try all offences against that Act with a grand and petty jury, I caused the Act to be publicly promulgated upon the island, and a case of importance having occurred in 1813, all the prisoners, one of them a man well known throughout Arabia and Asia, were tried and convicted before me, which called the attention of the people to the nature of the offence, and prevented the commission of any more offences of that description. In consequence of the proceedings at this trial, and the remarks which I made upon the subject of slavery at all the criminal sessions, to the persons who were on the roll of jurymen, much interest was excited, and all the proprietors of domestic slaves, to the number of 763, natives as well as Europeans, came to a resolution in July 1816, declaring that all children born of their slaves after the 12th of August 1810, should be considered as born free, and thereby put an end to the state of domestic slavery which had prevailed in Ceylon for 300 years. The Paper, of which (I.) is a copy, contains the details of what took place on the occasion. I have, since my return to England, been engaged, as Chairman of the Committee of Correspondence of the Royal Asiatic Society, with the assistance of Mr. Baber, the late Judge on the Malabar coast, in collecting such information relative to the state of slavery in the peninsula of India as may enable the British Government to adopt on the continent of India the same policy relative to the state of slavery, as that which has been successful in Ceylon. The Committee of Correspondence of the Asiatic Society have already collected some very useful information upon the subject, from various quarters, particularly from the papers published by order of the House of Commons in 1826, and they soon expect to obtain much more from different parts of India.

1153. Have you any means of knowing the proportion of slaves to freemen in Ceylon?—At the time all the proprietors of slaves on the island of Ceylon came to the resolution which I have just mentioned, there were 763 proprietors, and, as I understood, between 9,000 and 10,000 slaves: the population of the then British territories on the island was about 600,000 people.

1154. Can you state whether any and what steps were taken in Ceylon during your residence there, for facilitating the holding of lands by Europeans?—Restrictions similar to those which prevail in the East-India Company's possessions on the continent of India, were in force in the King's possessions in Ceylon up to 1810, against Europeans holding lands in perpetuity on the island. Believing that the best way of improving the island, and securing the affections of the natives, would be for His Majesty's Government to encourage, by all means in their power, the settlement of Europeans in every part of the country, and the introduction of European capital, European industry, and European arts and sciences, amongst the people, I advised the late Lord Londonderry, as soon as I arrived in England in 1809, to repeal all these restrictions, and to authorize the local government to grant lands, under the most favourable conditions, to any British Europeans who might be willing to settle upon the island. The restrictions were accordingly repealed in 1810. It was the intention of Lord Londonderry, on my advice, had he remained in office, to have followed up this measure by giving the island of Ceylon such a free constitution of government as would have suited the habits and feelings of British settlers. This intention, however, was, in consequence of his resignation,
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not carried into effect, and few or no Europeans have hitherto availed themselves of the offer of the government of Ceylon to give them grants of land. The Paper (K.) is the copy of a Paper which contains an account of all the circumstances connected with this subject.

1155. Have you considered how far facilities may be afforded in India to the possession of land by Europeans, beyond those now afforded, and generally the settlement of Europeans in the interior of the country?—From all I have heard and read upon the subject, I think that the British Government ought to encourage British Europeans to settle in India, for the purpose of improving the country and increasing the influence and the authority of the government amongst all classes of the people.

1156. If the number of lower Europeans in the interior were much increased, then, supposing them admissible to offices and privileges which are not open to the native Indians, is there no danger that a jealousy would be created which might lead to injurious effects?—The Europeans who will be anxious to settle in the interior of India will, I should think, in general be persons of some capital, or some particular skill and talent; such persons, independent of any other motive, will endeavour, with a view to their own interest, to conduct themselves well, and to make themselves popular with the natives of the country. I do not conceive that their admission into such offices as their acquirements may qualify them to fill, can excite any peculiar degree of jealousy amongst the natives, or be productive of any injurious effects in the country.

1157. The supposition of the last question was, that such a number of Europeans residing in the country as to create a sort of caste or class distinct from the natives; supposing that class to be admissible to places under government, or to have privileges of any kind which are not open to the natives in common with them; the question then is, whether a sort of jealousy would not be produced in the mind of the natives at their own exclusion from the same advantages?—I conceive that all the natives of the country ought to be eligible to all judicial, revenue, and civil situations whatever, and that if this were the case, no jealousy would be excited in the minds of the natives by the circumstance of an European, though not in the Company's service, being deemed eligible, if his conduct be good, to similar situations.

1158. Even supposing an intelligent European was not possessed of capital himself, would his superior skill not be useful in turning to account the capital of the natives?—I have no doubt whatever that it would often be of great advantage to the natives to have an European of skill and talent, though without capital, settle among them, because it is probable that by his skill and talent he would enable such of them as are engaged in agriculture or in manufactures to make many improvements, which may be of the greatest advantage to them in the pursuits in which they are engaged.

1159. In opening appointments to natives and Europeans generally, would you admit at the same time half-castes?—I should certainly advise the half-castes to be declared to be eligible to the same situations as Europeans and natives. While I was on Ceylon, I considered every half-caste, if properly qualified, to be eligible to every magisterial and other office under the supreme court. Some of the most respectable

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respectable and the most efficient magistrates and officers of the supreme court were half-castes. My opinion as to the policy which ought to be pursued with respect to the half-castes in British India, is given at length in my answer to a letter which I received in May 1830 from Mr. Ricketts, the then agent of the half-castes in this country, of which (L.) is a copy.

1160. Are you acquainted with the Jury Bill which has just passed the House of Commons?—Yes, I am; I think that it will be attended with the best effects in India. The conciliatory manner in which the present President of the Board of Control has received the petition of the natives of India, and the readiness with which he has brought in a Bill to relieve them from some of the grievances of which they complain, will show them the attention which the present Board pays to their feelings, the respect which it entertains for their character, and the confidence with which it intrusts the lives, the liberty, and the property of their fellow-countrymen to their discretion and to their protection.

See Paper (B.)

1161. Has experience shown that the introduction of jury trials in Ceylon has succeeded?—Yes; my own experience, that of my successors in office, and that of the King's Commissioner, Mr. Cameron, prove that it has completely succeeded. For an account of the result of my experience, I beg leave to refer to the Paper (B.); for that of my successors, to the following extract from Sir Harding Gifford's Charge; and for that of Mr. Cameron, to the following extract from that gentleman's Report:

EXTRACT from the Charge delivered by Sir Harding Gifford, the Chief Justice and First Member of H. M. Council in Ceylon in 1820, on his taking possession of his office, after the resignation of Sir Alexander Johnston.

“BUT there is one feature of the history of offences for the last two years so remarkable, that it cannot without injustice to the people be overlooked.

“It has been my duty to examine the criminal calendars of that period, with a view to inform myself of the state of offences generally; and I have been both surprised and gratified to observe, that during this interval, an interval marked by violence and convulsion in the interior, that there does not appear to have occurred in our maritime provinces a single instance of even a charge of turbulence, sedition, or treason, or of any offence bearing the slightest tinge of a political character. It is too well recorded, and is within the personal knowledge of some of yourselves, that during the Kandian War of 1803, the revolt of some of our maritime districts added in no slight degree to the difficulties of that melancholy period. To what are we to attribute so remarkable a change? Certainly not to the superior character of the government. In mildness and benevolence, Mr. North's administration was assuredly not exceeded by that of any of his successors. But, Gentlemen, let us ascribe it to the true causes; to the long and steady experience of the blessings of a government administered on British principles, and, above all, to the introduction of trial by jury.

“To this happy system, now (I may venture to say) deeply cherished in the affections of the people, and revered as much as any of their own oldest and dearest institutions, I do confidently ascribe this pleasing alteration; and it may be boldly asserted, that while it continues to be administered with firmness and integrity, the British Government will hold an interest in the hearts of its Cingalese subjects which the Portuguese and Dutch possessors of this island were never able to establish.

“It may appear, and with justice, that I indulge some degree of personal gratification in referring to this subject, when I tell you, that in a report made to the government of Ceylon in June 1817, by the Advocate Fiscal of that period, there is contained an observation which shows

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shows that this feeling is not new, and we know how fully it has been justified by subsequent events. In that document it is said, that 'amongst the inhabitants of the maritime provinces, I know the jury system to be already (this was in the seventh year of its operation) a favourite. The wisdom of the Supreme Court has most happily adapted it even to their prejudices, so that they had actually begun to feel attachment to it on that account, even before they were aware of all its advantages.'

"And the report adds, 'Armies may waste away from climate or disease, and seasons and circumstances may baffle the utmost exercise of human foresight; but, fixed on the attachment of the people to our jurisprudence, I look upon the security of the British interests in (the maritime provinces of) Ceylon to be impregnable.'

"And can we, Gentlemen, with these pleasing results before us, omit to render our tribute of recollection to the learned Judges by whose zeal and ability this system has been put so happily into operation?

"Of one of them, holding, as he still does, that station in society so well merited by his talents and services, it would be difficult in me, without indelicacy, to offer more than that tribute which it would be injustice to withhold. To his perfect knowledge of the native habits and character, and his extensive acquaintance with their institutes, it was owing that the jury system was thus so skilfully adapted even to their prejudices, and so deeply rooted in their affections as to have had the consequence in which we now rejoice."*

EXTRACT from a Report of C. H. Cameron, Esq., one of His Majesty's Commissioners of Inquiry, to Lord Viscount Goderich, dated 31 January 1832.

"THE trial by jury, as your Lordship is aware, was introduced at the suggestion of Sir Alexander Johnston, by the charter of 1810. I attended nearly all the trials by jury which took place while I was in the island, and the impression on my mind is, that an institution in the nature of a jury is the best school in which the minds of the natives can be disciplined for the discharge of public duties. The juror performs his functions under the eye of an European judge, and of the European and Indian public, and in circumstances which almost exclude the possibility of bribery or intimidation. In such a situation he has very little motive to do wrong, and he yet feels and learns to appreciate the consciousness of rectitude. The importance which he justly attaches to the office renders it agreeable to him, and he not only pays great attention to the proceedings, but for the most part takes an active part in them."

1162. Are you aware of any reason why the system of jury trial which succeeded in Ceylon should not be equally successful in India?—I have for the last 20 years had frequent communications with persons from Madras, Bombay, and Bengal upon this question. I have also read several documents containing the opinions of those who are competent to form a correct judgment upon the subject. These communications and documents leave no doubt in my mind of the applicability of jury trial to every part of the British possessions in India, provided it be so modified as to suit it to the customs and feelings of the people amongst whom it is introduced.

* "The Honourable Sir Alexander Johnston, the late Chief Justice and First Member of His Majesty's Council, at whose recommendation, and according to whose plan, the trial by jury was introduced into Ceylon, in November 1811, and the right of sitting upon juries, instead of being confined, as it is in other parts of India, to Europeans, was extended, under some modifications, to every native upon the island, the effects of which are to make the natives themselves participate in the administration of justice amongst their own countrymen."

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duced. The documents to which I allude, in as far as they relate to Madras, are the minutes of the late Sir Thomas Munro, and his letter to Lord Hastings upon the subject; the minutes of Mr. Graham, his successor in the government of Madras; the printed regulation passed by the Governor and Council of Madras for carrying into effect, after Sir Thomas Munro's death, his plan for the introduction of jury trials throughout the presidency of Madras; the evidence before the House of Lords of Mr. Baber, one of the most able and enlightened of the East-India Company's judges. The documents to which I allude, in as far as they relate to Bombay, are the addresses presented by the principal natives of Bombay, upon the death of the late Chief Justice of that settlement, Sir Edward West, to the two surviving Judges of the Supreme Court at Bombay, and the petition signed by 4,000 of the most distinguished inhabitants of all castes and religious denominations at Bombay, and sent by them to the House of Commons about two years ago, in which, though I am not personally acquainted with any one of them, they do me the honour of alluding to me in the most flattering terms, merely from the circumstance of their conceiving me to be the first person who had ever extended by a charter of justice the right of sitting upon juries to the natives of India. The documents to which, independent of many others, I specifically allude, in as far as they relate to Bengal, are different parts of the evidence of Rajah Ramohun Roy before the Committee of the House of Commons. In corroboration of these documents, I can speak from personal knowledge as to the decided opinion which the late Sir Thomas Munro entertained in favour of the introduction of trial by jury amongst the natives of India, for I met him in 1817 on the peninsula of India, at his particular request, six years after I had introduced jury trial into Ceylon, for the express purpose of explaining to him the manner in which I had adapted that mode of trial to the customs and religious feelings of all the natives of all the different castes and religious persuasions on that island, and the conclusions which I drew as to the moral and political effect which it was calculated to produce upon their character and conduct.

1163. Can you conceive anything better adapted than the system of jury trial, to give the people of India that confidence in themselves, and prepare them for those free political institutions, which it must be the ultimate object of this country gradually to introduce?—I cannot conceive any system to be better adapted for that purpose in India than the system of trial by jury, provided it be so modified as to suit it to the feelings of the natives and the circumstances of the country: it gives the natives an additional value for education, for character, for public opinion; it makes them acquainted with the nature of their laws, and with the moral and political effect of their institutions; it exercises their minds in sifting and weighing the evidence of persons of every caste and of every religious persuasion; it accustoms them to decide, and declare their opinion in public; it gives them a confidence in their own talents, and in their own judgment; it makes them feel themselves to be the guardians of the lives, the liberties, and the property of their countrymen; it convinces them that they are treated with confidence and respect by their rulers; it excites in them an additional interest in every thing which relates to the administration of justice, and to the government of the country; it affords them a public opportunity of displaying their knowledge, their patriotism, and their talents

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talents upon subjects of the greatest interest, and must ultimately lead them, as it did all the jurymen on Ceylon who were proprietors of slaves, and who declared free all children born of their slaves after the 12th of August 1816, to show themselves worthy of the rights and privileges of freemen, by showing themselves ready, if necessary, to sacrifice their private interests to their respect for the cause of humanity and freedom.

1164. Does not the simple circumstance, that the facts in a criminal case must be brought before twelve individuals in the same situation as the prisoner, form a very great security for individual liberty, and so prepare the country in which it is introduced, for the exercise of political freedom also?—Yes; it places the liberty of every native of British India under the safeguard of his countrymen; it creates a native public to protect him against oppression; it encourages him to form and declare his opinions without fear or disguise, and it thus renders him capable of exercising political freedom with credit to himself and with benefit to his country.

PAPERS presented by *Sir Alexander Johnston*, and referred to in his
Evidence of 6 and 9 July 1832.

(A.)

THE Paper sent by *Sir Alexander Johnston*, in 1806, from the Island of Ceylon to the late Mr. Charles Fox, then at the head of the Administration of Affairs in England, in consequence of Mr. Fox having requested *Sir Alexander*, when he left England in 1802, to send him, after his arrival on the Island, his opinion upon the different subjects to which the Paper alludes.

THE best policy which Great Britain can pursue in order to retain her possessions in India, is to raise the moral and political character of the natives, to give them a share in every department of the state, to introduce amongst them the arts, sciences, and literature of Europe, and to secure to them, by a legislative act, a free constitution of government, adapted to the situation of the country and the manners of the people. With this view I propose,—

1st. That a general system of education founded upon this policy be established for the benefit of the natives in every part of the British territories in India.

2d. That the natives be declared eligible to all judicial, revenue, and civil offices whatever.

3d. That all laws by which the natives are to be governed be, before they are adopted as law, publicly discussed and sanctioned by local assemblies or councils, in which the interests of every class of natives shall be adequately represented by natives of their own class.

4th. That the local governors be deprived of the power which they are now authorized to exercise at their own discretion of sending Europeans without trial out of the British territories in India, and that no European shall for the future be sent out of any of those territories on any charge, unless under a regular sentence of banishment passed against him by a regular court of justice, after a fair and public trial, and a conviction by a jury of some offence to which the law has attached the punishment of banishment from the British territories in India.

E.I.—IV.

C C

5th. That

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5th. That a law be passed affording the same protection against illegal imprisonment to every native and every European in the British territories in India as the Act called the Habeas Corpus Act affords to every person in England.

6th. That measures be immediately taken by all the governments in India for the gradual abolition of domestic and every other description of slavery which now prevails in different parts of British India.

7th. That it be declared illegal for any British government in India, or for any individual acting by its authority, to force a native, under any pretence whatsoever, to labour without pay or against his will.

8th. That it be declared illegal for any British Government in India to exclude any native from holding any office under the British Government in India on account of the nature of any religious creed which he may profess.

9th. That measures be immediately taken, by giving to each description of them an efficient and respectable ecclesiastical establishment, by enforcing a system of strict moral discipline amongst them, and by removing all motives of religious jealousy between them, for making every description of Christian, whether Catholic, Syrian, or Protestant, within the British territories in India, respectable in the eyes of the natives of the country.

10th. That measures be immediately taken for putting all the descendants of Europeans in British India, known at present by the very invidious denomination of half-castes, upon the same footing as European born British subjects in every respect as to education, laws, and eligibility to office, and thereby rendering every person descended from a European, whatever his complexion may be, provided his character be good, respectable in the eyes of the natives of the country.

11th. That all the restrictions which at present prevail against Europeans settling in any of the British territories in India be taken off; and that all British Europeans be not only permitted, but encouraged by the British Government in India to acquire and hold lands in perpetuity, and to settle in every part of the country, as the surest way of introducing the arts, the science, and the improvements of Europe amongst the natives, of increasing their wealth, their comforts, and their prosperity, of extending the influence of Europeans in the country, and of strengthening the British authority in India.

12th. That the press be considered and used as a powerful engine for forming an enlightened public amongst the natives of the country, for enabling the British Government to know the real sentiments of the people respecting all its measures, for preventing all public functionaries from abusing their power, and for protecting the Legislature in any improvements it may introduce against the prejudices of the ignorant and the intrigues of the disaffected.

13th. That the distinction which now prevails in British India between King's and Company's courts of justice be abolished, and that there be but one system of administering justice throughout British India.

14th. That there be a special code of law for British India, drawn up in the simplest language, divested of all technicalities, and adapted to the feelings and to the manners of the different descriptions of people, European as well as natives, who compose the population of the country.

15th. That this code consist of four parts,

1st. To contain the civil law applicable to Europeans.

2d. The civil law applicable to the native Hindoos.

3d. The civil law applicable to the native Mahomedans.

4th. The criminal law, applicable both to Europeans and natives, Hindoos as well as Mahomedans.

16th. That civil and criminal justice be administered to all the inhabitants of British India according to this code, by judges and assessors educated for the purpose, and by juries adapted, as to number, qualification, and every other circumstance, to the feelings of the people, and the local situation of the country.

17th. That

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17th. That there be both European and native judges in British India: that all Europeans who intend to be judges in India, be educated for the specific purpose in England, and be publicly examined, and declared to be properly qualified for the situation by the High Court of Appeal in England, before they can be eligible to the situation of a European judge in British India; and that all natives of India be educated for the specific purpose in India, and be examined and declared to be properly qualified for the situation by the Supreme Court of the Presidency to which they may belong, before they can be eligible to the situation of a native judge in British India.

18th. That the criminal and civil jurisdiction of the European and native judges respectively, be carefully regulated with a view to the situation of the country, and the feelings of each class of the inhabitants.

19th. That in civil cases (subject always to the above consideration) the European judges do exercise only an appellate jurisdiction, and the native judges only an original jurisdiction.

20th. That every criminal prisoner, European and native, shall have a right to be tried by a jury for any criminal offence, not declared by law to be a minor offence, with which he may be charged.

21st. That to save the inhabitants of the country from all unnecessary inconvenience, every jurisdiction exercised by any judge, whether criminal or civil, original or appellate, be exercised in such a manner, either by circuits or otherwise, as may put the parties who are concerned, prisoners, suitors, and witnesses, to as little expense and delay as possible, by bringing justice as near as possible to their respective homes.

22d. That to save suitors in civil cases from all unnecessary delay and expense, the number and the nature of the pleadings, copies of papers, &c. allowed by the courts, be as few as possible consistent with the attainment of justice; the parties to a suit have the option of proceeding in court either by themselves, or by an attorney or counsel, as they may think proper; and all tables of fees be framed by the local assemblies or councils, with a strict consideration of the circumstances of the people who are likely to have suits before the court.

23d. That to prevent the officers of the several courts from having an interest, or from appearing to have an interest, in the delay of justice, or in the accumulation of papers in a suit, all officers of court be paid by fixed salaries, be strictly prohibited from receiving any fees, or deriving any emolument whatever from the use of monies deposited in court; and be compelled to pay all fees of court, and all monies deposited in court, without the smallest delay, into the public treasury.

24th. That in order to prepare the natives of the country to exercise the duties of judges and jurymen, they be employed as frequently as possible as assessors to the European and native judges in the administration of civil and criminal justice.

25th. That in order to increase the respect of the natives for the office of a jurymen, a list be made out of all the persons in each province who are qualified, according to a plan which shall be hereafter arranged, to act as jurymen; that this list be constantly exhibited in the most public places in the province; that it be revised every half year; that at each revision, the names of all those who have been improperly omitted be added to the lists, and the names of all those whose conduct since they were put upon the list has disqualified them from the honour of being upon the list, be erased from it; the question in either case, as to whether the name of a person ought to be added or erased from the list, to be tried and decided by a jury.

26th. That in order to form an enlightened and independent public amongst the natives, a native reporter be attached to each court, who shall report all the cases which occur before the court; and that a native newspaper be established in each province for the purpose of publishing all the circumstances which are connected with these cases, and encouraging the natives of the country to discuss without fear the nature of the decisions which have been given by the judges of the respective courts.

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27th. That all the different maritime customs and maritime usages of all the different natives of various parts of Asia who navigate the Indian seas, and who trade with the different ports belonging to the British territories in India, be carefully collected, and a maritime code prepared from them for the use of all the native mariners who trade with the British territories in India; and that courts, the proceedings of which shall be regulated by this code, be established at all the most convenient ports in British India.

28th. That there be a Supreme Court of Justice at each of the three Presidencies in British India; that it be a court of appellate jurisdiction only; that it shall, in communication with the local Government, have the complete superintendence and control over, and be held responsible for the efficiency of whatever system may be established for the administration of justice and for the regulation of police throughout the Presidency to which it belongs.

29th. That there be a high Court of Appeal in England, consisting of the President of the King's Council, an English lawyer of eminence, some of the King's retired Indian judges, and some of the Company's retired judicial servants; that it shall exercise an appellate jurisdiction over the three courts at the three Presidencies in India in cases of a large amount or of a particular description; shall try and decide all complaints brought against Indian judges for acts done by them while acting as judges in India; shall exercise, in communication with the Government in England, the complete superintendence and control over the whole system for the administration of justice and regulation of police throughout every part of British India; shall make a detailed report to both Houses of Parliament, at fixed periods, of its own proceedings, and of the state of the administration of justice and the police throughout British India, explaining in such report, for the information of Parliament, the nature of any defects which it may have observed, and of any improvements which it may have to propose; and, finally, that it be considered by Parliament as publicly responsible for the efficiency of the whole system of administering justice in India.

30th. That a commission consisting of three persons be sent by Parliament to India, for the purpose of collecting, with the assistance of the most intelligent Europeans and natives in the country, materials for framing such a code as has already been mentioned for the use of the inhabitants of British India; and that the duration of this commission be limited to three years, from the date of the arrival of the commissioners in India.

31st. That in order to enable the commissioners to obtain the official assistance of the natives of the country in framing that part of the code which relates to the civil law of the Hindoos and Mahomedans, the following plan be pursued:

That all the native inhabitants qualified to sit on juries in each province do elect a certain number of the best informed and most respectable natives of the province into a committee, for the purpose of submitting to the commissioners a report, which shall contain an authentic account (arranged under such heads as shall be sent to them by the commissioners, of all the laws and usages which prevail in their province, together with their opinion as to the moral and political effect of each of those laws and usages, and as to the alterations which they may think necessary to be made in any of them.

That the commissioners do send to the committee so elected in each province a paper containing the different heads under which they require information respecting the laws and usages of the province; intimating to the committee at the same time, that it is their intention, as soon as the committee make their report, to exhibit it publicly, with the names of the persons who have framed it, to all the people of the province, for their consideration and observation.

That such report, when drawn up by the committee in the style and language best understood in the province, be publicly exhibited for six months, in the most frequented part of every village in the province, with a public invitation to the people of the village to offer such objections or observations upon the report as may occur to them, for the information of the commissioners, and with a public notice that should no such objections or observations

observations be offered by them within six months, the commissioners will conclude that the report has received their approbation.

That the commissioners do, at the expiration of the above period of six months, collect the several reports, and do arrange from them, and from such other information as they may possess, a code of Mahomedan and Hindoo law for the approbation of Parliament.

That translations of the above code be made in every language and idiom which is spoken in any province of the British territories, and that a certain number of printed copies of it, be deposited for the use of the inhabitants, in the most frequented parts of each village in every province.

That the translation which is prepared for the use of any particular province be made under the immediate superintendence of the committee which framed the report upon the laws and usages of that province, and be read and explained by the respective servants of Government in each village of the province to every person belonging to the village.

Note.

The information upon which such a code is framed must be authentic, because it is derived from the best informed men in the country, chosen, for their local knowledge, by their own countrymen, under circumstances when they have no apparent motive to deceive the commissioners; but, on the contrary, every motive arising from a desire to establish a character for talents, integrity, knowledge, and patriotism amongst their countrymen, to afford the commissioners the most accurate information upon a subject which is intimately connected with the happiness, the prosperity, and the religious and moral institutions of themselves and their countrymen.

Such a code must be easily understood by the commonest person in the country, because it is drawn up in the language of the country, under the superintendence of those who are the best acquainted with that language, and because it has been explained to, and received the approval of, every person in the country.

It must be generally useful to the people of the country, because, from its being intelligible, and from its having been explained to them, it makes them know what the law is upon any particular subject, without the expense or inconvenience of consulting a lawyer; and because, in case of a law-suit, it enables the courts of justice to decide upon questions of law without difficulty or delay. It must be popular amongst the people of the country, because it is framed upon local information received by the commissioners from persons pointed out to the commissioners for the purpose by the people of the country, and confirmed as to its accuracy by the people themselves, to whom it was submitted for their consideration before it was received by the commissioners. It will relieve the people of the country from the expense, the delay, the inconvenience, and the oppression to which they are at present subject, from the incessant and endless law-suits which arise out of the obscurity and uncertainty of the laws by which their lives, their liberty, and their property are regulated, and enable each person really to do what, by a fiction of law he is in all countries presumed to do, understand the laws by which he is governed. It must always have weight amongst the people of the country, because it will always have the support of the persons of the greatest influence in the country, upon whose information it was framed, and of all the people of the country who publicly sanctioned that information. It will be instructive to the local government of the country, and to the Parliament of Great Britain, because it will afford them an authentic account of all the local laws, usages, and institutions which prevail in the country, of all the good or bad moral and political effects which they produce, and of the different alterations and improvements, which, in the opinion of the best informed men of the country, may be introduced by Government into the habits and manners of the people.

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IV.
JUDICIAL.

(B.)

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CONTAINS an Account of the measures adopted by Sir Alexander Johnston for the introduction of Trial by Jury, and the Abolition of Domestic Slavery on the Island of Ceylon, of the moral and political effects produced by those measures upon the natives of that Island, and of the circumstances connected with the Act of 1826, which, in consequence of the success of the similar measure on Ceylon, extended the right of sitting upon Juries to all natives of India living within the local limits of the Supreme Courts of Bombay, Madras, and Calcutta.

AS our Indian administration, especially the judicial branch of it, is becoming, from peculiar circumstances, a subject of increasing interest, a statement, from authentic sources, of the important experiments which have been successfully made at Ceylon, accompanied by an exposition of the principles upon which they were adopted, and the advantages which they have already been attended with, cannot but be gratifying.

Sir Alexander Johnston, the then Chief Justice and first member of His Majesty's Council in Ceylon, after a very long residence on that island, a very attentive examination of all the different religious and moral codes of the various descriptions of people who inhabit Asia, a constant intercourse for many years, as well literary as official, with natives of all the different castes and religious persuasions which prevail in India, and a most careful consideration of every thing which related to the subject, recorded it as his official opinion, in 1808, that the most certain and the most safe method of improving the British Government in India, of raising the intellectual and moral character of the natives, of giving them a real interest in the British Government, and of insuring the continuance of their attachment to the British empire, was to render the system of administering justice amongst them really independent, efficient, and popular; and that the wisest method of gradually attaining these objects, was by granting to the natives of the country themselves, under the superintendence of European judges, a direct and a considerable share in the administration of that system.

As a very general opinion prevailed, both in India and in England, that the natives of India, from their division into castes, from their want of intellect, from their want of education, and from their want of veracity and integrity, were incapable of exercising any political or any judicial authority, either with credit to themselves or with advantage to their countrymen, it was, for many reasons, deemed prudent by Sir Alexander Johnston that the experiment of allowing natives of India to exercise the same rights and privileges in the administration of justice in India as are exercised by Englishmen in Great Britain should be first tried on the island of Ceylon.

The intellectual and moral character of the inhabitants of Asia is formed, in a great degree, if not altogether, by the different systems of religion, and the different codes of morals which prevail amongst them, and which may be ranked (viewing them not according to the purity and truth of their doctrines, but according to the number of persons who are subject to their influence,) in the following order:—

- 1st. The Hindoo religion and code.
- 2d. The Buddhist religion and code.
- 3d. The Mahomedan religion and code. And
- 4th. The Christian religion and its system of morals.

Considering them, therefore, with a view to the peculiarities of their intellectual and moral character, the inhabitants of Asia may be divided into the four following great divisions, each division practically exhibiting, in the character and conduct of the different classes of people who belong to it, the intellectual and moral effect of their respective religious and moral codes:

- 1st. Those who profess the pure Hindoo religion, or some of its modifications.

2d. Those

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- 2d. Those who profess the Buddhist religion, or some of its modifications.
 3d. Those who profess the Mahomedan religion, or some of its modifications. And
 4th. Those who profess the Christian religion, whether according to the doctrines of the reformed or of the Catholic Church.

The population of Ceylon consists of a considerable number of inhabitants of each of the four following descriptions of people; viz. 1st, of about half a million who derive their descent from the inhabitants of the opposite peninsula of India, who profess the same modification of the Hindoo religion, who speak the same language, have the same customs and laws, and the same division of castes, as those inhabitants; 2dly, of about half a million other inhabitants who claim their descent from the people of Ava and Siam, who have the same religious and moral code, and who profess the same modification and the same customs of the Buddho religion as the inhabitants of those two countries; 3dly, between 50,000 and 60,000 Mahomedan inhabitants, who are partly of Arab and partly of Mogul descent, who have the same customs and laws, and who profess the same modifications of the Mahomedan religion as prevail amongst the different classes of Mahomedans who inhabit the peninsula of India; and, 4thly, of a very considerable number of what in the rest of India are called half-castes, descended partly from Portuguese, partly from Dutch, and partly from English Europeans, some of them professing the Catholic, some the reformed religion, and all of them resembling in character and disposition the half-castes in the rest of India. As it was therefore obvious that the population of Ceylon was composed of a great number of each of the four great divisions of people of which the population of the rest of India was composed, Sir Alexander Johnston conceived that, should the experiment of extending the rights and privileges of Englishmen, in as far as they relate to the administration of justice, to all the different descriptions of half-castes and other natives on the island of Ceylon, be attended with success, it might therefore be acted upon with great moral and political advantage in legislating for the different descriptions of half-castes and other natives on the continent of India.

From the year 1802, the date of the first royal charter of justice, to the year 1811, justice had been administered in the courts on that island according to what is called, in Holland, the Dutch-Roman law, both in civil and in criminal cases, without a jury of any description whatever, by two European judges, who were judges both of law and fact, as well in civil as in criminal cases. In 1809, it was determined by His Majesty's Ministers, on the suggestion of Sir Alexander Johnston, that the two European judges of the Supreme Court on Ceylon should for the future, in criminal cases, be judges only of law, and that juries, composed of the natives of the island themselves, should be judges of the fact in all cases in which native prisoners were concerned; and, in November 1811, a new charter of justice under the Great Seal of England was published on Ceylon, by which, amongst other things, it was in substance enacted, that every native of the island who was tried for a criminal offence before the Supreme Court should be tried by a jury of his own countrymen, and that the right of sitting upon juries in all such cases should be extended, subject to certain qualifications, to every half-caste, and to every other native of the island, whatever his caste or religious persuasion.

This experiment of extending the rights and privileges of Englishmen having, after 16 years' experience, been found to be productive of the greatest security to Government, and of the greatest benefit to the people of the country, it has become a subject of serious consideration both in India and in England whether the same rights and the same privileges as, since the year 1811, have been exercised with the most beneficial effects by the natives of the island of Ceylon, may not also be exercised with the same good effect by all the natives of the East India Company's dominions in India; and Sir Alexander Johnston, at the request of the President of the Board of Control, wrote to him, in the year 1825, the letter, of which the following is a copy, explaining to him the reasons which originally induced Sir Alexander to propose the introduction of trial by jury amongst the natives of Ceylon, the mode in which his plan was carried into effect, and the consequences with which its adoption has been attended.

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“ Dear Sir,

“ 26th May 1825.

“ I HAVE the pleasure, at your request, to give you an account of the plan I adopted while Chief Justice and first member of his Majesty’s Council on Ceylon, for introducing trial by jury into that island, and for extending the right of sitting upon juries to every half-caste native, as well as to every other native of the country, to whatever caste or religious persuasion he might belong. I shall explain to you the reasons which induced me to propose this plan, the mode in which it was carried into effect, and the consequences with which its adoption has been attended. The complaints against the former system for administering justice on Ceylon were, that it was dilatory, expensive, and unpopular. The defects of that system arose from the little value which the natives of the country attached to a character for veracity, from the total want of interest which they manifested for a system, in the administration of which they themselves had no share, from the difficulty which European judges, who were not only judges of law, but also judges of fact, experienced in ascertaining the degree of credit which they ought to give to native testimony, and finally from the delay in the proceedings of the court, which were productive of great inconvenience to the witnesses who attended the sessions, and great expense to the government which defrayed their costs. The obvious way of remedying these evils in the system of administering justice was, first, to give the natives a direct interest in that system, by imparting to them a considerable share in its administration; secondly, to give them a proper value for a character for veracity, by making such a character the condition upon which they were to look for respect from their countrymen, and that from which they were to hope for promotion in the service of their government; thirdly, to make the natives themselves, who, from their knowledge of their countrymen, can decide at once upon the degree of credit which ought to be given to native testimony, judges of fact, and thereby shorten the duration of trials, relieve witnesses from a protracted attendance on the courts, and materially diminish the expense of the government. The introduction of trial by jury into Ceylon, and the extension of the right of sitting upon juries to every native of the island, under certain modifications, seemed to me the most advisable method of attaining these objects. Having consulted the chief priests of the Budhoo religion, in as far as the Cingalese in the southern part of the island, and the Brahmins of Remissuram, Madura, and Jafna, in as far as the Hundoos of the northern part of the island were concerned, I submitted my plan for the introduction of trial by jury into Ceylon to the Governor and Council of that island. Sir T. Maitland, the then Governor of Ceylon, and the other members of the Council, thinking the object of my plan an object of great importance to the prosperity of the island, and fearing lest objections might be urged against it in England, from the novelty of the measure, (no such rights as those which I proposed to grant to the natives of Ceylon ever having been granted to any native of India), sent me officially, as first member of Council, to England, with full authority to urge, in the strongest manner, the adoption of the measure, under such modifications as his Majesty’s Ministers might, on my representations, deem expedient. After the question had been maturely considered in England, a charter passed the Great Seal, extending the right of sitting upon juries, in criminal cases, to every native of Ceylon, in the manner in which I had proposed, and on my return to Ceylon with this charter in November 1811, its provisions were immediately carried into effect by me.

“ In order to enable you to form some idea of the manner in which the jury trial is introduced amongst the natives and half-castes of Ceylon, I shall explain to you; 1st, what qualifies a native of Ceylon to be a jurymen; 2dly, how the jurymen are summoned at each session; 3dly, how they are chosen at each trial; and, 4thly, how they receive the evidence and deliver their verdict. Every native of Ceylon, provided he be a freeman, has attained the age of 21, and is a permanent resident in the island, is qualified to sit on juries. The fiscal, or sheriff of the province, as soon as a criminal session is fixed for his province, summons a considerable number of jurymen of each caste, taking particular care that no jurymen is summoned out of his turn, or so as to interfere with any agricultural

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or manufacturing pursuits in which he may be occupied, or with any religious ceremony at which his caste may require his attendance. On the first day of the session the names of all the jurymen who are summoned are called over, and the jurymen, as well as all the magistrates and police officers, attend in court, and hear the charge delivered by the judge. The prisoners are then arraigned; every prisoner has a right to be tried by thirteen jurymen of his own caste, unless some reason why the prisoner should not be tried by jurymen of his own caste can be urged to the satisfaction of the court by the Advocate Fiscal, who on Ceylon holds an office very nearly similar to that held in Scotland by the Lord Advocate, or 'unless' the prisoner himself, from believing people of his own caste to be prejudiced against him, should apply to be tried either by thirteen jurymen of another caste, or by a jury composed of half-castes, or Europeans. As soon as it is decided of what caste the jury is to be composed, the registrar of the court puts into an urn, which stands in a conspicuous part of the court, a very considerable number of the names of jurymen of that caste out of which the jury is to be formed; he continues to draw the names out of the urn (the prisoner having a right to object to five peremptorily, and to any number, for cause), until he has drawn the names of thirteen jurymen who have not been objected to: these thirteen jurymen are then sworn, according to the form of their respective religions, to decide upon the case according to the evidence, and without partiality. The Advocate Fiscal then opens the case for the prosecution (through an interpreter if necessary) to the judge, and proceeds to call all the witnesses for the prosecution, whose evidence is taken down (through an interpreter if necessary), in the hearing of the jury, by the judge; the jury having a right to examine, and the prisoner to cross-examine any of the above witnesses. When the case for the prosecution is closed, the prisoner states what he has to urge in his defence, and calls his witnesses, the jury having a right to examine, and the prosecutor to cross-examine them, their evidence being taken down by the judge: the prosecutor is seldom or never, except in very particular cases, allowed to reply or call any witnesses in reply. The case for the prosecution and for the prisoner being closed, the judge (through an interpreter when necessary) recapitulates the evidence to the jury from his notes, adding such observations from himself as may occur to him on the occasion; the jury, after deliberating upon the case, either in the jury box, or, if they wish to retire, in a room close to the court, deliver their verdict through their foreman in open court, that verdict being the opinion of the majority of them; the most scrupulous care being taken that the jury never separate, nor communicate with any person whatever, from the moment they are sworn, till their verdict, having been delivered as aforesaid, has been publicly recorded by the registrar. The number of native jurymen of every caste on Ceylon is so great, and a knowledge before-hand what persons are to compose a jury in any particular case is so uncertain, that it is almost impossible for any person, whatever may be his influence in the country, either to bias or to corrupt a jury. The number of jurymen that are returned by the fiscal or sheriff to serve at each session, the impartial manner in which the names of the jurymen are drawn, the right which the prisoner and prosecutor may exercise of objecting to each jurymen as his name is drawn, the strictness which is observed by the court in preventing all communication between the jurymen when they are once sworn, and every other person, till they have delivered their verdict, give great weight to their decision. The native jurymen being now judges of fact, and the European judges only judges of law, one European judge only is now necessary, where formerly, when they were judges both of law and fact, two, or sometimes three were necessary. The native jurymen, from knowing the different degrees of weight which may safely be given to the testimony of their countrymen, decide upon questions of fact with so much more promptitude than Europeans could do, that since the introduction of trial by jury, no trials lasts above a day, and no session above a week or ten days at furthest; whereas before the introduction of trial by jury, a single trial used sometimes to last six weeks or two months, and a single session not unfrequently for three months. All the natives who attend the courts as jurymen obtain so much information during their attendance, relative to the modes of proceeding and the rules of evidence, that since the establishment

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of jury trial Government have been enabled to find amongst the half-castes and native jurymen some of the most efficient and respectable native magistrates in the country, who, under the control of the Supreme Court, at little or no expense to Government, administer justice in inferior offences to the native inhabitants. The introduction of the trial by native juries, at the same time that it has increased the efficiency and despatch of the courts, and has relieved both prisoners and witnesses from the hardships which they incurred from the protracted delay of the criminal sessions, has, independent of the savings it enabled the Ceylon government to make immediately on its introduction, since afforded that government an opportunity of carrying into effect, in the judicial department of the island, a plan for a permanent saving of 10,000 *l.* a year, as appears by my Report, quoted in page 8 of the printed collection of papers herewith sent. No man whose character for honesty or veracity is impeached can be enrolled on the list of jurymen; the circumstance of a man's name being upon the jury roll is a proof of his being a man of unexceptionable character, and is that to which he appeals in case his character be attacked in a court of justice, or in case he solicits his government for promotion in their service. As the rolls of jurymen are revised by the Supreme Court at every session, they operate as a most powerful engine in making the people of the country more attentive than they used to be in their adherence to truth: the right of sitting upon juries has given the natives of Ceylon a value for character, which they never felt before, and has raised in a very remarkable manner the standard of their moral feelings. All the natives of Ceylon who are enrolled as jurymen conceive themselves to be as much a part, as the European judges themselves are of the government of their country, and therefore feel, since they have possessed the right of sitting upon juries, an interest which they never felt before in upholding the British Government of Ceylon. The beneficial consequence of this feeling is strongly exemplified in the difference between the conduct which the native inhabitants of the British settlements on Ceylon observed in the Kandian war of 1803, and that which they observed in the Kandian war of 1816. In the war between the British and Kandian Government in 1803, which was before the introduction of trial by jury, the native inhabitants of the British settlements were, for the most part, in a state of rebellion; in the war between the same governments in 1816, which was five years after the introduction of trial by jury, the inhabitants of the British settlements, so far from showing the smallest symptom of dissatisfaction, took, during the very heat of the war, the opportunity of my return to England, to express their gratitude through me to the British Government for the valuable right of sitting upon juries, which had been conferred upon them by his present Majesty, as appears by the addresses contained from page 16 to page 50*, in the printed papers herewith sent. The charge delivered by my successor, the present Chief Justice of the island, in 1820, contains the strongest additional testimony which could be afforded of the beneficial effects which were experienced by the British Government from the introduction of trial by jury amongst the natives of the island. (See that charge in pages 289 and 290 of vol. X. of the Asiatic Journal.) As every native jurymen, whatever his caste or religion may be, or in whatever part of the country he may reside, appears before the Supreme Court once at least every two years, and as the judge who presides delivers a charge at the opening of each session to all the jurymen who are in attendance on the court, a useful opportunity is afforded to the natives of the country, by the introduction of trial by jury, not only of participating themselves in the administration of justice, but also of hearing any observations which the judges, in delivering their charge, may think proper to make to them with respect to any subject which is connected either with the administration of justice, or with the state of society or morals in any part of the country. The difference between the conduct which was observed by all the proprietors of slaves on Ceylon

* See the collection of papers explanatory of Sir Alexander Johnston's public measures on Ceylon, which were printed on his resignation of the office of Chief Justice and President of his Majesty's Council on that Island in 1819.

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Ceylon in 1806, which was before the introduction of trial by jury, and that which was observed by them in 1816, which was five years after the introduction of trial by jury, is a strong proof of the change which may be brought about in public opinion, by the judges availing themselves of the opportunity which their charging the jury on the first day of session affords them, of circulating amongst the natives of the country such opinions as may promote the welfare of any particular class of society. As the right of every proprietor of slaves to continue to hold slaves on Ceylon was guaranteed to him by the capitulation under which the Dutch possessions had been surrendered to the British arms in 1795, the British Government of Ceylon conceived that, however desirable the measure might be, they had not a right to abolish slavery on Ceylon by any legislative act. A proposition was however made on the part of Government by me to the proprietors of slaves in 1806, before trial by jury was introduced, urging them to adopt some plan of their own accord for the gradual abolition of slavery; this proposition they at that time unanimously rejected. The right of sitting upon juries was granted to the inhabitants of Ceylon in 1811. From that period I availed myself of the opportunities which were afforded to me, when I delivered my charge at the commencement of each session to the jurymen, most of whom were considerable proprietors of slaves, of informing them of what was doing in England upon the subject of the abolition of slavery, and of pointing out to them the difficulties which they themselves must frequently experience, in executing with impartiality their duties as jurymen, in all cases in which slaves were concerned; a change of opinion upon the subject of slavery was gradually perceptible amongst them, and in the year 1816, the proprietors of slaves of all castes and religious persuasions in Ceylon sent me their unanimous resolutions, to be publicly recorded in court, declaring free all children born of their slaves after the 12th of August 1816, which in the course of a very few years must put an end to the state of slavery which had subsisted on Ceylon for more than three centuries."*

Sir Alexander Johnston was fully aware, when he first introduced trial by jury into Ceylon, that the degree of confidence which the people of the country might be expected to repose in that institution would be proportionate to the conviction which they entertained, that they themselves would be always consulted as to the character and qualifications of those persons whose names were to be enrolled in the list of men qualified to act as jurors, and that neither the local government nor the Supreme Court would ever attempt to exert any undue influence, either in the original formation of that list, or in the subsequent selection from it, of such jurors as might from time to time be required to serve at any criminal session which might be held by the Supreme Court in any part of the island. The great object, therefore, which Sir Alexander Johnston had in view in all the regulations which he made upon this subject, was not only to render it extremely difficult, but to convince the people of the country themselves that it was extremely difficult, if not impossible, either for the local government or the court to exert any undue influence as to the jurors, without their attempt to do so becoming directly a matter of public notoriety and public animadversion.

It appeared to Sir A. Johnston that the surest method of attaining this object was to limit, as far as he could by public regulations, the power of the court and that of its officers; and to place them in every point which was in any way connected with the jury under the constant inspection and control of the people of the country. He accordingly, after much consultation with some of the most enlightened natives of the island, published a regulation, declaring that every man on the island, whatever might be his caste or religious persuasion, had a positive right to act as a jurymen, provided he was a man of unexceptionable character, a free man, a permanent resident on the island, and had attained the

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* See pages 15 and 16, of the Eleventh Report of the Directors of the African Institution and from page 93 to page 100 of the Appendix of that Report.

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age of twenty-one. Also declaring that the people of the country themselves should be the judges whether a man had or had not those qualifications which by this regulation gave him that positive right. Sir A. Johnston at the same time published another regulation, directing the fiscal or sheriff of each province on the island publicly to make and return to the Supreme Court a correct list of all persons in his province who were qualified as required by the former regulation to act as jurymen. To prevent the possibility of abuse on the part of the fiscal of any province, the following mode of proceeding was observed by the court: As soon as the fiscal of a province had made out and returned to the court a list of all the persons in his province who were duly qualified to serve as jurymen, this list was, by order of the court, published and circulated through every part of the province, for the specific purpose of enabling every inhabitant of the province to make such remarks on it as might occur to him, and to prefer, when necessary, an immediate and public complaint to the court against the fiscal, if it should appear that the fiscal either had omitted out of the list the name of any person whose name he ought to have inserted in it, or had inserted in the list the name of any person whose name he ought to have omitted. After the list had undergone this public scrutiny, it was publicly ordered by the court to be considered by the fiscal as the list of all persons who were duly qualified to act as jurors in his province, and that out of which he was bound to return by rotation all persons who were required to serve as jurors at the criminal sessions held by the Supreme Court in his province. Independent of these precautions against any abuse on the part of the fiscal, every person in a province in which the court was about to hold a criminal session had public notice given him, long before the session was held, that the list in question was always liable to be publicly revised by the court at the commencement of the session, upon any complaint which might be publicly made to the court by an inhabitant of the province, either against the fiscal for any impropriety of conduct in making out the list, or against any individual on the list for any impropriety of conduct in getting his name inserted in that list. Although, therefore, the Supreme Court and its officers, the fiscals, are allowed, for convenience sake, to be the instruments through which the list of persons on the island qualified to act as jurymen is obtained, it is hardly possible, considering the manner in which all their proceedings in this point are watched and controlled by the people of the country, that either the court itself or its officers can exert any undue influence in the selection of jurors without such conduct being immediately known, and becoming a subject of public and general animadversion.

One of the most important of the effects which the introduction of trial by jury produced on Ceylon was to place the European judges and the native jurymen in constant communication in court upon various subjects connected with the administration of justice, and thereby remove from the minds of all classes of the natives the suspicion and jealousy with which they had previously viewed all inquiries made by Europeans into the state of their religion, of their usages, their morals, and their education. As an illustration of this, we insert the following copy of the answer given by Sir A. Johnston to the address presented to him on his departure from Ceylon in 1818, by the chiefs and all the subordinate priests of Buddho, on behalf of themselves and of all the natives of Ceylon professing the Buddho religion. This address was one of the addresses to which Sir Alexander alludes in his letter to Mr. Wynn.

"I feel highly gratified by the respect and esteem which you have shown for me, in coming, notwithstanding the very advanced period of your lives, from so great a distance as you have done, to take leave of me and my family, and to present to me, in your own name, and in that of all the priests of your order, and all the Buddhists within your jurisdiction, an address that cannot be otherwise than gratifying to my feelings.

"The number of the priests of Buddho, and the influence which they exercise over the minds of their followers, from being the ministers of their religion and instructors of their youth, have, for many years, made their religion, their books, their laws, and their institutions, a subject of my serious inquiry. In arranging the code of laws which, in obedience to

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to His Majesty's commands, I have compiled for the use of the native inhabitants of Ceylon, it became my duty to compare such of the codes as are the most approved in Europe and Asia, with such of the usages and customs as are the best authenticated on this island; and to adopt such parts only of those codes as are clearly applicable to the state of the country, and as may, therefore, be expected to attain the ends of justice, without militating against the habits and prejudices of the people.

"In performing this duty, I have had frequent communications with you and with the other learned men of your order, and it is with pleasure I take the present opportunity to return to you and them my public thanks for the alacrity with which you have at all times afforded me the information required, and for the unlimited freedom with which you have permitted me to consult the books in your temples, to which I have had occasion to refer; the translations into English which you have enabled me to procure of the three most celebrated histories of your country and your religion, the Mahawanscie, Ragawalle, and the Rajaratnakarre, and the numerous extracts which you have made for me from all your other Sanscrit, Pallee, and Cingalese books, together with the different works I have since obtained from the Brahmins of Jaffna, and those of the southern peninsula of India, form a most valuable collection of materials for any person who may have the desire and the leisure to write a general history of your country, and to explain at length the origin and peculiarities of the several castes, customs, and usages which prevail amongst you, and which are so intimately connected with your prosperity and comfort, as to render an accurate knowledge of them not only desirable as a matter of literary curiosity, but absolutely necessary as a matter of duty to every one who may be intrusted with the administration of justice among you, or with the superintendence of the government of your country.

"The rules which the intended code contains are so short and so clear, that the inhabitants will have little or no difficulty either in understanding or applying them. I have, as you know, spared neither pains nor expense for the last sixteen years of my life, in acquiring the most intimate knowledge of the wants and interests of every class of people in Ceylon; it was solely with a view of ascertaining, in a way more satisfactory than I otherwise could have done, the degree of caution and impartiality with which the natives of the island, if admitted to the right of sitting upon juries, would discharge the duties of jurymen, in cases in which their own countrymen are concerned, that I advised the Colonial Government in 1806 to refer a certain description of cases for trial to that committee of priests at Madura, of which you were the principal members. The very judicious manner in which that committee investigated those cases, and the soundness of the principles on which the members of it relied in framing their decisions, satisfied me not only as to the policy but as to the perfect safety of intrusting the natives of Ceylon with the right of sitting upon juries. After this experiment had been tried with success, but not before, I felt myself authorized to proceed to England, and to propose to His Majesty's Government the unlimited introduction of trial by jury into Ceylon, and the formation of a simple code of laws for the use of its inhabitants. The care and attention with which all the worshippers of Buddha, as well as all the natives of other religious persuasions have discharged the duties of jurymen, show that they not only understand the nature of that mode of trial, but also that they are fully competent to enjoy the privileges which it gives them, with credit to themselves and with advantage to their countrymen. The experience which you have had for seven years of the practical effects of that establishment, and the information you have derived from the Supreme Court, as well as from the book upon trial by jury, which I have caused to be translated into Cingalese and Tamul, have naturally impressed you with the highest respect for that simple and much admired mode of trial. My observations, aided by that of some persons who are the best qualified to form an opinion upon the subject, have suggested to my mind several improvements in the present system of administering justice amongst the natives of Ceylon. Should His Majesty's Government, while I am in England, be pleased to command me to submit to them my opinion upon the subject, I shall be happy to point out for their consideration such alterations as I am aware, from
my

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my communications with you, are desired by the inhabitants and will be highly beneficial to to the interest of the island.

“ The ultimate effect which any system of laws is calculated to produce in a country depends, in a great degree, upon the state of society, and upon the system of religion and morals which prevail in that country. As it has always been my wish to see the same effect produced in this country as is produced invariably in England by an independent and well administered system of justice, it has been my endeavour always to approximate, as much as circumstances would permit, the state of society and the systems of religion and morals which prevail in Ceylon to those which prevail in England. With a view to the state of society in Ceylon, I have, since 1806, left no means untried to encourage the proprietors of domestic slaves to adopt such a resolution as they, at my suggestion, unanimously adopted in July 1816; and it is a subject of sincere congratulation to all the friends of humanity in Ceylon, whether they profess the faith of Buddho, or that of Mahomet or Brahma, that the unanimity with which that resolution was passed was so great as to leave no doubt of its being the sense of the people on this island, that the system of domestic slavery is equally destructive to the morals of the slave, as it is to those of the master and his children. With a view to the different systems of religion and morals in Ceylon, I, twelve years ago, after much consultation upon the subject with some of the most enlightened of the Buddhists, caused the summary of the evidences of Christianity, which was drawn up by one of the ablest of our divines, the late Bishop of London, to be translated into Cingalese, in order that you yourself might have a fair opportunity of comparing the evidence upon which we form our belief in Christianity with that upon which you form your belief in Buddhism. The conversation which many of you have frequently had with me upon those points, as well as upon the beneficial effects which may finally be expected from the general extension of Christianity, both upon the present and the rising generation of the people, have afforded me an ample opportunity of becoming acquainted with the liberal sentiments which you entertain, when properly treated, upon all questions of religion; and I reflect with satisfaction on the ready assistance which I received from many of the most rigid of the worshippers of Buddho in the translation to which I have alluded. The zeal with which the two priests of Dodanduwa have insisted upon accompanying me to England, under circumstances which to most men would have been discouraging, is at once a mark of the confidence which your body repose in me, and of the spirit of inquiry and of the desire of information which has arisen amongst them. These young men will, no doubt, from the knowledge which they possess of your literature and religion, and the variety of their other acquirements, be of considerable use to me in translating into Cingalese the code which I am about to submit to His Majesty’s Government in England, and will have the best opportunity that could have occurred to them of becoming acquainted with the real effect which the principles of our religion unquestionably have had in enlightening the understanding, and improving the morals of the inhabitants of that most celebrated country.

“ I have the honour to be, &c.

“ *Alexander Johnston.*”

(C.)

COPY of a MEMORANDUM drawn up by Sir *Alexander Johnston* for the late Marquis of *Londonderry*, of some alterations which he thought advisable in the System for administering Justice in *India*. The plan, in as far as it related to the Supreme Courts to be tried in the first instance in the Territories under the Madras Government.

THE Supreme Court at Madras to consist of six judges, to have a criminal jurisdiction over all the territories and persons, natives as well as Europeans, under the Madras government.

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The judges to make frequent criminal circuits throughout those territories, having native grand and petty juries for the trial of native offenders at each place where they hold their criminal sessions.

The Sudder Adawlut (the Supreme Civil Court) at Madras to consist of the judges of the Supreme Court, and a certain number, as at present, of the Company's senior civil servants.

A person, either from the Scotch, the English, or the Irish bar, to be attached as legal adviser to each of the four provincial courts under the Madras government.

An Act to be passed, specifying what part of the English law shall apply to the British and other Europeans in India.

That a Hindoo code, for the use of all the Hindoos under the Madras government, be forthwith drawn up in communication with the best informed Hindoos in each of the provinces under the Madras government.

That a Mahomedan code, for the use of all the Mahomedans under the Madras government, be drawn up in communication with the best informed Mahomedans, in each of the provinces under that government.

That a regulation be framed, specifying the nature of the different Acts, which are to be deemed criminal offences, and the nature of the punishment which is to be attached to each of those acts.

That the Hindoo and Mahomedan code, and this last-mentioned regulation, be translated into all the different languages which prevail throughout all the British territories under the Madras government, and that they be published throughout those territories.

That all the respectable natives of the country be admitted to act as frequently as possible as grand and petty jurymen, as judges, and as magistrates, under the superintendence and control of the Supreme and Company's courts.

That the proceedings in the Company's courts be carried on in the most usual language of the people of the country in which they are established; that writing be dispensed with as much as possible in those proceedings; and that all suits be decided as near as possible to the homes of the parties and witnesses who are concerned in them.

That a code be made of all the different maritime customs and laws, of all the different classes of natives of India who trade with any part of the coasts of the Company's territories in India, and that it be translated into all the different languages which are in general use amongst those people, and that it be made as public as possible amongst them.

That native as well as European judges be appointed at the most convenient ports, to decide, with the least possible delay and expense, all such maritime cases as may be brought before them.

That a right of appeal be allowed from all the superior courts in India to the court in England for hearing India appeals in all cases of a certain amount, and a certain description.

That the court in England for hearing India appeals be composed of the judges who retire upon pensions from the Supreme Courts in India, Ceylon, the Isle of France, and the Cape of Good Hope, and of some of the Company's retired civil servants, who have been judges of the Courts of Sudder Adawluts in India; and that it be perfectly understood, that the judges are to receive no other remuneration than their pensions for belonging to this court.

That the President and one other of the members of His Majesty's Privy Council, being a lawyer of professional eminence and high rank, be appointed by His Majesty to preside in this court.

That a certain number of the judges of this court be in regular attendance for the purpose of trying all such cases of appeal as may come before them.

That they deliver into both Houses of Parliament, at the commencement of each session, a statement of the number of cases which have come before them, the number which they have decided, and the number, if any, that are in arrear.

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That they also deliver into both Houses of Parliament, once every year, a report of the state of the system for administering justice in India, specifying what defects they have observed in that system, and what improvements they propose.

That the judges of all the different Supreme Courts in India be appointed as the judges in England are appointed, not during pleasure, but during good conduct, and that they be removable from their offices only by addresses from both Houses of Parliament to the King.

THIS Paper was drawn up by Sir Alexander Johnston, at the request of the present Master of the Rolls, who agreed with Sir Alexander in thinking it would be an improvement in the present system of Indian judicature, even were no further alteration introduced, to unite the Chief Justices of the Supreme Courts in British India with the Judges of the Sudder Adawlut. As this Paper is founded upon a shorter one, which was delivered to Lord Londonderry in 1822, it is added to the foregoing Paper, for the purpose of showing the utility of uniting the King's and Company's Judges in India in the manner proposed in the third clause of that Paper.

THE measure of making the Chief Justice of the respective King's Supreme Courts at Bombay, Madras, and Calcutta, members of the respective Company's Sudder and Nizamut Adawlut Courts, at each of these Presidencies, will be attended with very great advantages—

- 1st. To the King's judges of the Supreme Courts.
- 2d. To the Company's judges of the Sudder and Nizamut Adawlut Courts.
- 3d. To the native inhabitants of the country.
- 4th. To the East-India Company's government at Bombay, Madras, and Calcutta.
- 5th. To the King in Council, as a court of appeal from the Courts of Sudder and Nizamut Adawlut at those Presidencies.

- 1st. To the King's judges of the Supreme Courts, for the following reasons :

It will afford them the most efficient means of obtaining authentic information upon all local questions ; make them thoroughly acquainted with the religious and moral feelings of the natives of the country ; with their prejudices ; with all the peculiarity of castes which prevail amongst them ; with the manners and customs of the different inhabitants, to whatever caste or religious persuasion they may belong ; with the various revenue and police regulations of the local government ; with all the modifications of the Hindoo law, as it prevails in civil cases, and those of the Mahomedan law, as it prevails both in civil and in criminal cases, throughout the whole of the territories which are under the respective Presidencies, and thereby enable them to exercise the different judicial powers with which the King's Supreme Courts are invested at Bombay, Madras, and Calcutta ; in such a manner as to attain the real and substantial ends of justice, without militating against the feelings and prejudices of the people.

- 2d. To the Company's judges of the Sudder and Nizamut Adawlut Courts, for the following reasons:

It will afford those judges who have not had a legal education, by personal and habitual communication upon the subject with the King's judges, the most efficient means of becoming thoroughly acquainted with the general and fundamental principles of law, and with the high feelings of judicial independence which so peculiarly characterises the British judges ; and will thereby give them additional confidence in their own judgments, and a higher opinion of their own independence, as judges ; and inspire the natives of the country with more implicit confidence in the wisdom and impartiality of their decisions.

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3d. To the native inhabitants of the country, for the following reasons:—

It will not only make them acquire, but make them believe that they have acquired, an additional security for their lives, their liberty, their property, their religion, and their ancient customs; to such of them as live within the local jurisdiction of the respective King's courts, by making them believe that the judges of those courts possess not only what they now allow them to possess,—well-informed judicial understandings, and a high sense of judicial independence, but also that which they at present do not conceive them to possess,—a thorough knowledge of the native manners, local customs, native laws, religion, and caste. To such of them as live without the jurisdiction of the King's, and are solely under that of the Company's courts, by making them believe that by appeal at least to the *Sudder* and *Nizamut Adawlut's*, of which the Chief Justice of the Supreme Court is a member, they will receive the same protection from the judges of those courts as they would do from the judges of the Supreme Courts, an advantage of immense importance, when it is recollected that every native of the country, not residing within the local jurisdiction of one of the Supreme Courts, is subject to be tried for every criminal offence, capital or not, with which he may be charged, according to the very obscure and very uncertain rules of the Mahomedan law; without a jury, and by judges, who, however able and respectable they may be, are sent out to India at a very early period of their life, as mere civil servants of the East-India Company, and without having had any previous legal education or practice to prepare them for the judicial offices to which they are afterwards appointed in India.

4th. To the East-India Company's governments at Bombay, Madras, and Calcutta, for the following reasons:—

1st. It will, by making the Chief Justices of the King's Supreme Courts members of the Company's Courts of Appeal, the *Sudder* and *Nizamut Adawlut's*, both in criminal and in civil cases, unite in spirit and feeling, though not in name, the King's system with the Company's system of administering justice in India. In criminal cases, by putting an end, in some degree, to the strange and anomalous distinction which at present prevails between the situation of those native subjects of the East-India Company who live within, and those who live without, the local jurisdiction of the Supreme Courts; the former, at present, if they be charged with the commission of a criminal offence, having the advantage of being tried for that offence according to the clear and precise rules of the English criminal law, by King's judges, who have had a regular legal education, and by a jury of Englishmen; the latter, at present, if they be charged with the commission of the very same kind of offence, being deprived of all those advantages, and being liable to be tried according to the obscure and uncertain rules of the Mahomedan criminal law, by civil servants of the East India Company, who never have had any legal education, and without a jury of any description whatever. In civil, by extending in all cases of an appealable amount, to those native subjects of the East-India Company who live without the jurisdiction of the Supreme Courts, the advantage which at present is enjoyed by those only who live within the jurisdiction of the Supreme Court, of having their civil suits decided in appeal by a King's judge, who has had a regular legal education.

2d. It will also, by affording the additional security to the natives which has just been described, in all cases, as well in those which relate to the questions of land, agriculture, and manufacture, as in those which relate to revenue, improve the state of the agriculturists, manufacturers, and traders, and relieve the people of the country from many of the oppressive measures which are adopted towards them by the native subordinate agents of Government, who at present are so apt to identify, in the opinion of the European collectors, the necessity of oppressive acts with the prompt and certain collection of the revenues, as in some degree to make the collectors themselves connive at their misconduct, for fear of diminishing the amount of the revenue collected in their respective districts.

3d. It will also, by thus rendering more secure the lives, the liberty, and the property of all the native subjects of the East-India Company, whether they live within or without the

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local jurisdiction of the King's Supreme Courts of Bombay, Madras, and Calcutta, increase the interest which those native subjects feel in the permanent continuance of those governments; at the same time that it will, in consequence of the union of the two systems of administering justice, diminish the probability and the frequency of those collisions between the King's courts and the Company's local governments, which, as long as the present state of the judicial establishments in India remain, it is very difficult, if not impossible, to prevent, and which must always inevitably diminish the authority both of the respective courts and of the respective governments in the eyes not only of the native subjects of the East-India Company themselves, but also in the opinion of those native governments which are established in different parts of Asia.

5th. To the King in Council, as a court of appeal from the Courts of Sudder and Nizamut Adawlut, at Bombay, Madras, and Calcutta, for the following reasons :—

From the Chief Justice of the Supreme Courts, who is a member of the Sudder and Nizamut Adawlut, being thoroughly acquainted with the nature of the proceedings which take place before the King in Council in England, the Courts of Sudder and Nizamut Adawlut will become aware, not only of the information which ought to be sent home by them to the King in Council, in order to enable them to form their opinion without delay upon the cases appealed to them, but also of such steps as it is their duty to instruct the natives who are concerned in these appeals to adopt, in order to bring the appeals to a speedy decision and hearing in England, and thereby prevent the recurrence in future of such delay and inconvenience as has hitherto been incurred, both by the parties interested and by the government of the country, in those cases between natives of India which have come by appeal before the King in Council from the three Courts of Sudder and Nizamut Adawluts of Bombay, Madras, and Calcutta. It was for these reasons that the late Marquess Cornwallis and the late Lord Melville were of opinion that the addition of the King's judges of the respective Supreme Courts to the Company's judges of the respective Sudder and Nizamut Courts would be a great improvement in the system for the administration of justice in the Company's territories in India. It was for the same reasons that the late Lord Melville, when, as Secretary of State for the War and Colonies, he framed in 1801 a system for the administration of justice in the King's possessions on the Island of Ceylon, made the chief and puisne justices of the Supreme Courts on that island members of the High Court of Appeal, which had formerly been composed of civil servants in the King's service, in the same way as the Courts of Sudder and Nizamut Adawluts in the Company's territories are now composed of civil servants in the Company's service, and which High Court of Appeal has the same sort of appellate jurisdiction over the inferior courts composed of King's civil servants in different parts of the Island of Ceylon as the Courts of Sudder and Nizamut Adawlut exercise over the different inferior courts composed of Company's civil servants in different parts of the Company's territories in India. It was for the same reasons that the late Marquess of Londonderry, in 1810, informed Sir Alexander Johnston that he was perfectly convinced, from his long experience in Indian affairs, that the manner in which the High Court of Appeal was constituted in the King's possessions in Ceylon, partly of the King's judges and partly of civil servants, was preferable in every respect to that in which the Courts of Sudder and Nizamut Adawlut in the Company's territories were constituted, viz. solely of the Company's civil servants. It was for the same reason that Sir Alexander Johnston, (while, as Chief Justice and President of His Majesty's Council in Ceylon, he was employed in revising the judicial establishments of that island in 1810, after twelve years' experience of the advantageous effects which had been produced on Ceylon by the union of the judges of the Supreme Court with the civil servants in the High Court of Appeal in Ceylon,) advised His Majesty's Government to continue this method of constituting the Court of Appeal on Ceylon, as one which was of the greatest advantage, not only to the King's judges and the civil servants themselves, but to the natives of the country and the government of the island.

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(D.)

THIS Paper was written in 1831. It contains a Copy of the Paper which, in 1826, Sir Alexander Johnston gave to Mr. Wynn, then President of the Board of Control, and to some of the other Members of the Privy Council; and also a Copy of some Suggestions relative to the Appellate Jurisdiction of the King in Council in Indian Appeals, which Sir Alexander, at the request of the Lord Chancellor, Lord Brougham, gave to his Lordship in November 1830.

THE number of appeals to the Privy Council from the three courts of sudder adawlut, in India, which have remained for so many years unheard and undecided, have been productive of the greatest expense and inconvenience to the parties who are interested in them, and are likely to diminish, in the opinions of the natives of India, the respect which they would otherwise entertain for the administration of justice by British judges in British courts of judicature; we therefore conceive it will be interesting to those who are connected with India to know the different steps which have been taken by Sir Alexander Johnston, the late President of His Majesty's Council in Ceylon, since his return to England, with a view of remedying the inconveniences which have been felt by the natives of India, in consequence of the great delay which has hitherto occurred in deciding those cases which have been appealed from the several courts of sudder adawlut in India to the King in Council in this country; we therefore publish the paper upon the subject, which was written and given to Government by Sir Alexander Johnston, in 1826, as appears in his evidence before the Committee of the House of Lords.

The real object of the British constitution in considering the King in Council as a court of appeal from the different courts established in all the British colonies is, to secure, through those courts, and their respective judges, for all the inhabitants of those colonies, whether Europeans or natives, by placing them directly under the protection and superintendence of His Majesty in Council, the strict observance of those different systems of law which the legislature has deemed wise to establish amongst them.

As it is, therefore, the duty of the King in Council, as a court of appeal, to afford that protection to the inhabitants of those colonies, by affirming all such decisions of the colonial courts as may be in conformity with those systems of law, and by reversing all such decisions as may be in opposition to the same systems of law, it is obvious that the King in Council, in order that they may discharge their duty as a court of appeal with the least possible delay, expense, and inconvenience to the parties who are concerned in appeals, and also, in order that they may, at the same time, by the soundness and promptitude of their decisions, encourage those who really believe themselves to be aggrieved, discourage those who put in an appeal merely for the purpose of gaining time or oppressing their adversary, should themselves not only possess a thorough knowledge of all the different systems of colonial law, but should always have sufficient leisure to attend to each case of appeal as soon as it is brought before them.

The King in Council, in addition to the appellate jurisdiction which they exercised over the British colonies in the West-Indies, and in North America, previous to the year 1773, have, since the year 1773, been, from time to time, vested, by different Acts of Parliament, royal charters, and royal institutions, with an immense appellate jurisdiction over all the colonies which have, since that period, been acquired by the British arms, at the Cape of Good Hope, on the Isle of France, on the island of Ceylon, and in the East-India Company's territories in the East-Indies.

The appellate jurisdiction with which the King in Council has been vested since the year 1773, in as far as it relates to the colonies which have just been mentioned, extends over eleven supreme courts; viz. eight King's and three Company's courts, which have been established in the King's possessions at the Cape of Good Hope, in the Isle of France, and in the island of Ceylon, and in the East-India Company's possessions at Calcutta, Madras,

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Madras, Bombay, and the Prince of Wales's Island. In order to understand thoroughly the nature of these different courts, as well as the nature of the different systems of law according to which they are bound to proceed, it may be necessary to consider them in detail.

The following are the different courts in those colonies over which the King in Council exercises an appellate jurisdiction.

The following four are established in King's settlements, viz.—

The King's Court at the Cape of Good Hope.

The King's Court at the Isle of France.

The King's Supreme Court of Justice, } In Ceylon.
The King's High Court of Appeal, }

The following seven are established in the East-India Company's settlements:

The King's Supreme Court at Calcutta.

The King's Supreme Court at Madras.

The King's Supreme Court at Bombay.

The King's Recorder's Court in Prince of Wales's Island.

The Company's Courts, called,

The Sudder Dewanee Adawlut, at Calcutta.

The Ditto, at Madras.

The Ditto, at Bombay.

These three last courts are established by the East-India Company, under the authority of different Acts of Parliament; these are the three high courts of appeal established at Calcutta, Madras, and Bombay, to which an appeal lies in certain cases from every inferior court established by the Company in every part of the three presidencies of Calcutta, Madras, and Bombay, consisting in all of upwards of 80 separate courts, composed of upwards of 120 judges, and from which three Company's high courts of appeal an appeal lies, in cases of a certain amount, to the King in Council.

The jurisdiction of the court at the Cape of Good Hope extends over all cases, all civil persons, and all lands in that colony.

The jurisdiction of the court at the Isle of France extends over all cases, all persons, and all lands in that colony.

The jurisdiction of the supreme court, and that of the high court of appeal in Ceylon, taken together, include every case whatever, of a certain amount, which can occur on that island.

The jurisdiction of the three King's supreme courts at Calcutta, Madras, and Bombay, and that of the three Company's high courts of appeal, called Sudder Adawluts, taken together, include every case, of a certain amount, that can occur within the three presidencies of Calcutta, Madras, and Bombay.

The jurisdiction of the King's Recorder's Court, on the Prince of Wales's Island, and that of the subordinate courts in the settlements of Malacca and Singapore, include all cases that can occur, of a certain amount, within those three settlements.

The system of law which prevails in each of the above colonies is as follows:

At the Cape of Good Hope:—The law in force in this colony is what is called the Dutch Roman law, modified in some instances by the colonial regulations made by the Dutch, and the English colonial governments respectively.

Isle of France:—The law in force in the Isle of France is the Roman law, as modified during the French revolution in France, and as still further modified by the colonial regulations made by the French and the English colonial governments respectively.

Island of Ceylon:—1st. The law in force in the island of Ceylon, in as far as it relates to the Dutch, English and Cingalese inhabitants of the maritime parts of that island, is the Dutch Roman law, modified by the colonial regulations of the Dutch and English Governments.

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2d. In as far as it relates to all the Mahomedan inhabitants on the island, the Mahomedan law, as observed amongst the Mahomedans of Arab descent, who inhabit the coasts of Malabar and Coromandel.

3d. In as far as it relates to the *Cingalese* inhabitants of the Kandian country, or interior of the island, the Buddhist law (with some local modifications), as observed amongst the Buddhist inhabitants of the Birman empire and Siam.

4th. In as far as it relates to the Hindoo inhabitants of the north-west, north and north-east parts of the island, the Hindoo law (with some local modifications), as observed amongst the Hindoo inhabitants of the Peninsula of India.

5th. In as far as it relates to the people called Morquas, who inhabit two considerable provinces in Ceylon, the one on the south-east, and the other on the north-west side of the island, the Hindoo law, as observed amongst the Hindoo inhabitants on the coast of Malabar.

6th. In as far as it relates to maritime causes between the natives of India, the Mallealum and *Malay* maritime law.

The East-India Company's three presidencies of Calcutta, Madras, and Bombay, and the Settlements of the Prince of Wales's Island:—

The law in force in the whole of the above territories of the East-India Company, in as far as it relates to the European inhabitants, is the English law, as introduced into those territories, and modified by the several charters of justice, by which the several King's courts have been established in them. In as far as it relates to the immense population of the Hindoo inhabitants, the Hindoo law; and in as far as it relates to the Mahomedan inhabitants, the Mahomedan law; both these laws subject, however, to the modifications which have been introduced into both of them by the East-India Company's local regulations.

From the above considerations it appears, First, that the King in Council, as a court of appeal from the eleven supreme courts which have just been mentioned, exercises an appellate jurisdiction which, directly and indirectly, in as far as it relates to persons, includes a population of upwards of 80 millions of people; in as far as it relates to territory, includes countries, which, independent of the Cape of Good Hope, and the Isle of France, extend to upwards of 1,400 miles in length, and nearly as many in breadth, and which comprises the chief part of that vast region which is bounded by the Indus in the north-west, the great range of the Thibetean Mountains in the north-east, and by the Ocean on the south-east and south-west; and in as far as it relates to the nature of the cases which may be brought before the King in Council by appeal, includes every question of contract, inheritance, land and revenue, of a certain amount, in which, besides all the great interests of the Crown, and of the nation, not only the immense revenue of the East-India Company, upwards of 15,000,000*l.* sterling a year, and the tenure of every foot of land in their dominion, but also every religious and moral feeling, as well as every prejudice of the people of every religion in the country, are most deeply concerned.

Secondly, That the King in Council may, as a court of appeal from those courts, be called upon to decide questions of the utmost importance to the prosperity and tranquillity, not only of the Cape of Good Hope, the Isle of France and Ceylon, but of every part of India; to consider questions, not only of English, French and Dutch colonial laws, but some of the most intricate questions of Hindoo, Mahomedan, and Buddhist law. That their construction of such laws must form the rule of decision as to those laws, not only for every court superior, as well as inferior, established at the Cape of Good Hope, Isle of France and Ceylon, but also for every court superior, as well as inferior, established in every part of India; and finally, that they are called upon for the due protection of upwards of 80,000,000 of inhabitants to exercise a vigilant superintendence, and a prompt control over upwards of 150 judges, situated between 14,000 and 16,000 miles off from the mother country.

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Considering the variety of the different jurisdictions, and of the different systems of law which have been described, it seems obvious, that the persons who from their local knowledge and their leisure are the best qualified for deciding cases in appeal, from the Isle of France, Cape of Good Hope, Ceylon, and the Company's possessions in the East-Indies, are those King's judges who, after having held in the King's and Company's colonies, for many years, some of the highest and most responsible judicial situations in the gift of the Crown, are allowed to retire upon pensions granted to them for life by the Crown, not only as a reward for their services, but as a mark of public approbation. Their having been appointed to those offices is a proof that they originally were men of known character in their profession. Their having been allowed to retire from office upon pensions is equally a proof that their conduct, while in office, was such as deserved the approbation of their Government. Their legal education makes them aware of the sort of local information which it is necessary for them to acquire. Their long residence in the colonies, and the influence they derive from their judicial situations, afford them the very best opportunity of acquiring the most authentic information; and the age at which most of them are appointed to those situations enables them to avail themselves of that opportunity while in the full vigour of their understanding.

As it is, therefore, highly advisable that the King in Council be enabled to avail themselves, as a court of appeal, of the assistance of these judges; and as objections may possibly occur to the King's appointing them members of the Privy Council, it is proposed that His Majesty in Council be empowered by a legislative act, from time to time, to call upon such of these judges as he may think proper to act as legal assessors to the King in Council whenever they sit as a court to hear appeals from the colonies.

A court of appeal so constructed must always be efficient, and must always be popular in the colonies; it must be efficient, because it must always have in it at least some members who are thoroughly acquainted with the peculiar system of colonial law, according to which the court is bound to decide, and with the local circumstances of the people amongst whom that law prevails; who, from long residence in colonies, feel an interest in colonial questions; who, from having retired from office on pensions, have leisure to attend the court whenever their presence may be necessary; and who, from not having the excuse which other members may have, of official avocations, want of time, and want of local knowledge, must feel themselves to be acting under a much higher degree of responsibility to the public, both as to the soundness and to the promptitude of their decisions.

It must always be popular in the colonies, because it is composed of men, who, as the inhabitants of the colonies themselves know, were originally appointed judges in the colonies by the Crown, with great salaries, and with high rank, for the express purpose of securing for the inhabitants a strict observance of their laws, and for affording to the inhabitants the most ready protection and redress against any oppression which might be offered to their persons or their property; of men, to whom the inhabitants themselves have always, for this reason, been accustomed to look up as to the most faithful of their protectors; of men, whom the inhabitants themselves believe to feel an interest in their welfare: whom they know to be thoroughly informed with respect to their laws and customs; and who, they therefore conceive, will be always ready and able to decide upon such cases as are brought before them in appeal from the colonies, with the least possible delay, expense, and inconvenience to the parties who are concerned.

The measure of associating the colonial judges who retire upon pensions from their office as legal assessors, with the members of the Privy Council, will be gradually attended with the most beneficial effects, as well to the colonies themselves as to His Majesty's Government. To the colonies, because it will afford to the colonies, from time to time, as the judges respectively return to England, and retire upon their pensions, an opportunity of having the state of their laws, and that of the administration of justice amongst them, brought before His Majesty in Council in the most authentic shape, by persons in whose knowledge, integrity, and judgment, they have the fullest confidence.

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To His Majesty's Government, first, because it will enable the King in Council to make a perfect collection of all the different colonial systems of law which prevail in the British colonies, and to ascertain, from the most authentic sources, what effect each of those systems has in its respective colonies, what alteration is required in those systems, and how such alterations may be introduced with advantage to the people.

Secondly, because it will enable His Majesty in Council to derive their information from men whose legal education in England, and whose local experience in the colonies, qualify them to give their opinion upon the subject, both as English lawyers, conversant with the principles of the British constitution, and as colonial lawyers, conversant with the real state of the British colonies; and therefore qualify them to apply the general principles of the law, and the general principles of the British constitution, to the local peculiarities and to the state of society in the British colonies.

Thirdly, because it will accustom the colonies to consider the King in Council as a tribunal in which their respective interests are thoroughly understood; in which every question relative to them will not only excite a proper degree of interest, but will receive the earliest consideration, and in which they may, therefore, be certain of receiving immediate redress on any occasion in which they may feel themselves aggrieved.

As many cases in which both appellants and appellees are natives of India have been for many years in appeal before the King in Council, from the courts of sudder adawluts of Bombay, Madras and Calcutta, and as they have not been prosecuted before the King in Council owing to the parties concerned not having appointed any agents to act on their behalf in England, it is proposed, in order to get rid of all the cases of this description which are now in appeal, and in order to prevent, for the future, the very great inconvenience which has occurred from the natives of India not having appointed agents in England, and from their ignorance of the steps which they ought to take in England when they appeal to the King in Council, that the East-India Company should appoint in England one of the civil servants, who is thoroughly acquainted with the proceedings of the zillah, provincial, and sudder adawlut courts, under the three presidencies of Bombay, Madras, and Calcutta, whose duty it shall be, acting under instructions, to take care that all cases of appeal from the three above courts to the King in Council, in which natives of India are appellants and appellees, shall, provided the parties themselves shall not have appointed agents to act for them in England, be immediately brought forward before the King in Council, and be dealt with by them as the circumstances of the case may require.

Although what has been said applies more immediately to the Cape of Good Hope, the Isle of France, Ceylon, and the East-India Company's possessions in India, the plan which has been proposed is just as applicable to the British colonies in North America, the West-Indies, Trinidad, St. Lucia, Demerara, and Berbice. The cases which are appealed from the West-Indies being mostly cases of equity, those from North America and St. Lucia cases either of the ancient or of the more modern French law, those from Trinidad of the Spanish law, and those from Demerara and Berbice of the Dutch law, and therefore as much within the knowledge of those judges who have been alluded to, as the cases which come from the colonies, with which they have been more immediately connected.

We understand that in consequence of the suggestions contained in this paper, Mr. Clarke, of the Madras civil service, has been employed for some time by the Court of Directors, to prepare the whole of the Indian appeal cases so long in arrear before the Privy Council, for the consideration of the Privy Council, and that most, if not the whole of them, having been so prepared, Sir Alexander, about a year ago, submitted to Government the following plan, the object of which is, by means of the Indian judges who are retired to this country upon their pensions, not only to get rid of, without any additional expense to the public, and without any delay whatever, all such cases as are now in arrear, but also to prevent for the future all arrear in such cases, and to enable the British Government and the British Parliament to become thoroughly acquainted with all those systems of local laws which prevail amongst the different classes of natives in India, and which form the laws

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according to which the courts in India, as well as the Privy Council, are bound to decide all cases in which their property and their interest are directly concerned.

1st. That the Government do forthwith appoint a certain number of the Indian judges who are retired in England upon their pensions, to act either as members of the Privy Council, or as assessors to the Privy Council, in hearing and deciding upon all cases in appeal from any of the courts established in the East India Company's territories in India, on the island of Ceylon, on the Mauritius, and at the Cape of Good Hope.

2d. That these judges do forthwith draw up, in communication with the Lord Chancellor, the President of the Council, and the President of the Board of Control, such rules and orders as may enable the Privy Council to decide upon, without delay, the appeal cases from India, which have been so long pending, and to hear and to decide, as soon as they come before them, all future appeals from India.

3d. That they sit, from day to day, till they have got rid of all the appeals from India which are now pending.

4th. That one of them shall always be in attendance at the office of the Privy Council, and shall report to the Council, as soon as any appeal arrives from India, the nature of such appeal, and the steps which it may be necessary to take for the immediate hearing and decision of that appeal.

5th. That they forthwith draw up, for the information of the Council and the public, a full statement and explanation of the history and nature of the different systems of law which prevail amongst the inhabitants of British India, of the Island of Ceylon, of the Mauritius, and of the Cape of Good Hope; and amongst all the natives of Africa, Arabia and Asia, who navigate the Indian Ocean and the adjoining seas, and who trade with any part of the coast of Malabar and Coromandel, and with any part of the coasts of Ceylon, and the Mauritius, and Cape of Good Hope.

6th. As the specific grounds upon which the King in Council form their judgment in cases of appeal from India, ought, as soon as possible after that judgment has been given officially, to be made known to all the natives of India who are subject to the British courts in India, a printed copy of the published report of each case be officially sent by the Court of Directors to every sudder adawlut, provincial and zillah court, in India, with a positive order that such a report shall be forthwith, under the superintendence of the court, translated into each of the country languages which are in the most common use in the province in which the court is stationed, and publicly read and explained by an officer of the court to the natives of the country, in such a manner as the grounds of the decision of the King in Council being once understood by the natives themselves, may prevent them in future from incurring the unnecessary expense and delay of an appeal upon any point of law upon which the King in Council may have already given their opinion.

(E.)

A PAPER containing the Plan adopted by Sir Alexander Johnston on Ceylon, for collecting Materials for framing a Hindoo and Mahomedan Code, for the use of the Hindoo and Mahomedan Natives of that Island.

At a Council held at the King's House, 31st December 1811 ;

Present,—His Honour the Lieutenant Governor, the Honourable the Chief Justice and President of His Majesty's Council, the Honourable the Puisne Justice, the Honourable the Chief Secretary to Government, the Honourable the Commissioner of Revenues;

AN extract of a letter from the Earl of Liverpool to his Excellency the Governor of these settlements is read ; communicating his Royal Highness the Prince Regent's pleasure, that all the different classes of people who inhabit the British settlements on the island

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island should be governed as nearly as circumstances will admit, according to their ancient customs, and that the Chief Justice do prepare for their use a short and simple code of laws founded upon those customs, and divested of all technical languages.

The Chief Justice and President of his Majesty's Council thereupon submits to the Lieutenant Governor in Council the following as the plan which he intends to adopt, should it meet with their approbation for carrying into effect the wise and benevolent object which his Royal Highness has in view:—

1st. The Chief Justice will, with the concurrence of his Honour the Lieutenant Governor, immediately select a certain number of persons from each district to report to him upon the nature of the laws and customs which at present prevail in the different parts of this island, and to point out to him such alterations in them as they may think expedient.

2d. The persons whom the Chief Justice will select for this purpose will be such only as are the most distinguished in their respective districts for their integrity and good conduct, as well as for their thorough knowledge of the religion, customs, habits, and local interests of the people.

3d. As soon as the Chief Justice shall have received the reports from the several districts, he will draw up from the information contained in them, such a code of laws as the Prince Regent has commanded.

4th. The Chief Justice will cause a Dutch, Portuguese, Cingalese, and Tamul translation of this code to be publicly exhibited for one year in each district, in order that every one of His Majesty's subjects in these settlements may have the fullest opportunity of considering the code, and making such objections to it as may occur to them.

5th. The Chief Justice having thus taken the sense of His Majesty's subjects upon the code, and made such alterations in it as the further information he shall have received in the course of the year may have rendered necessary, will then submit it for the consideration of the Governor in Council in order that they may forward it to his Royal Highness the Prince Regent for his royal approbation.

The above plan being fully approved of by all the members of Council, the Lieutenant Governor in Council orders that it be published, together with the proceedings held thereon, for the information of His Majesty's subjects on this island.

(F.)

COPY of a LETTER from the Right Honourable C. Grant, to Sir Alexander Johnston.

Sir,

India Board, 29th March 1832.

I TAKE leave to address you on a subject, the importance of which will, I trust, sufficiently apologize for requesting your attention, and, if you please to give it, your assistance in bringing it to a satisfactory settlement.

The Board have had, for some time, under their consideration the state of the outstanding appeals to the King in Council from the Sudder Courts in India.

On the 22d February 1831, a letter was addressed by the Court of Directors to the Indian governments, desiring to know their sentiments on the best course to be pursued; and especially in reference to a suggestion that counsel should be appointed for both parties in this country, by the Court of Directors, to carry on the appeals to a decision. The Court particularly wished to ascertain in what light such a measure (to be tried in the first instance experimentally) was likely to be received by the natives of India.

Answers have been received from Madras and Bombay.

No answer as has yet been received from the Bengal government; but the Board are strongly impressed with the necessity of some efficient measure being resorted to for clearing off those appeals, and for the disposal of such as may hereafter be preferred.

E.H.—IV.

F F

A memorandum

9 July 1832.

Sir Alex. Johnston.

A memorandum on the subject has, at my request, been prepared by Mr. Richard Clarke, a gentleman who, from particular circumstances, is minutely informed of the situation of these outstanding appeals. In order to assist their judgment as to the best mode of proceeding, the Board are desirous of submitting these papers to some gentlemen of general ability and information, as well as of local experience, requesting them to consider the subject in all its parts, and to report to the Board their opinion and observations.

Presuming that you may not feel disinclined to afford your valuable aid to the Board in their deliberations on this important subject, I take the liberty of mentioning that the other gentlemen whom I address on this occasion are Sir Edward Hyde East and Sir James Mackintosh, and I should be happy to know if you will consent to meet them at such times as may be agreed upon, in order to carry into effect the object in question.

I have the honour to be Sir,
Your obedient humble Servant,
C. Grant.

COPY of Sir A. Johnston's Answer to the Right Honourable Charles Grant.

Sir,

19, Great Cumberland Place, 30th March 1832.

I HAVE the honour to acknowledge the receipt of your letter of this morning, and beg leave to assure you that I shall be most happy to afford the Board any aid in my power in attaining the important object which you have in view with respect to the appeals from India, and that I shall be ready to meet Sir Edward Hyde East and Sir James Mackintosh at any time you may appoint.

My attention has been long directed to the proceedings of the Sudder Adawlut Courts of Bombay, Madras and Calcutta, and to those of His Majesty's Privy Council in this country as a court of appeal from those courts.

In consequence of a request made to me by the late Marquess of Londonderry, while I was Chief Justice and President of his Majesty's Council in Ceylon, I gave the subject in all its bearings the most deliberate consideration: I made two journies by land from Cape Comoreen to Madras and back again, for the purpose of becoming thoroughly acquainted by local observation with the proceedings in the Zilla, Provincial, and Sudder Adawlut Courts under the Presidency of Madras. I examined while in England in 1809 and 1810, with the assistance of the late Mr. Chalmers, the then clerk of the Council, all the proceedings which had taken place, and all the orders which had been made in every case of appeal from the colonies to the Privy Council, from the reign of King William down to that period.

In 1822, I gave the Marquess of Londonderry at his request a paper, of which No. 1 is a copy, containing my opinion as to the improvements which ought to be introduced into the system of administering justice in the territories under the Presidency of Madras, and also as to the measures which ought to be adopted for rendering the Privy Council an efficient court of appeal, in cases appealed from the Courts of Sudder Adawlut at Madras, Bombay, and Calcutta.

In consequence of Lord Londonderry's death, no steps were taken upon the subject at that time; and in order again to call the attention of the Board of Control, and his Majesty's Ministers to a question of so much importance, I drew up the paper, of which No. 2 is a copy, in 1826; gave copies of it to Mr. Wynn, the then President of the Board of Control, to Sir Robert Peel, the then Secretary of State for the Home Department, and to Mr. Wilmot Horton, the then Under Secretary of State for the Colonies, and suggested to Lord Lansdown the propriety of moving in the House of Lords, as he subsequently did, for a return of all the cases of appeal in arrear from India. In that paper I proposed, as you will perceive, that the Court of Directors should appoint one of their civil servants acquainted

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acquainted with the proceedings of their courts in India to arrange all the papers connected with the appeals from the Sudder Adawlut then pending before the King in Council. I shortly afterwards explained my ideas upon the subject to Mr. Richard Clark, a civil servant of the Madras establishment, with whom I had been long acquainted, and, conceiving him to be fully qualified for the purpose, advised him to offer to the Court of Directors to undertake the service to which I allude, and mentioned him to Mr. Wynn as the fittest person the court could appoint.

In consequence of my advice, a communication was opened between the Privy Council and the Court of Directors through the Board of Control upon the occasion. Mr. Clark was examined before the Privy Council. I had a great many interviews with the Company's solicitor, Mr Lawford, upon the subject, and the result of all these different steps has been to enable Mr. Clark to examine and to arrange all the papers connected with these appeals in such a manner as will render it very easy for Sir Edward H. East, Sir James Mackintosh and myself whenever we meet to propose to the Board such a plan as may enable the Privy Council to take steps for bringing those cases which have been so long in arrear to a speedy decision, and for preventing the occurrence of any unnecessary delay in future.

I have the honour to be, Sir,

Your most obedient humble Servant,

A. J.

COPY of the Joint-Opinion of the Right Honourable Sir J. Mackintosh, the Right Honourable Sir E. H. East, and Sir Alexander Johnston.

WE, the Right honourable Sir James Mackintosh, the Right honourable Sir Edward Hyde East, and Sir Alexander Johnston, at the request of Mr. Grant, have taken into our serious consideration the important case which relates to the almost total failure of the appellate jurisdiction of the Company's courts in India to the King in Council. This jurisdiction has now existed for more than 40 years, and during that time, in which about 50 appeals have been entered, only three have been brought before the Council in a condition which rendered it possible to give judgment upon them; and therefore no part of this failure is attributable to delays in the court of appellate jurisdiction.

We abstain from offering any opinion upon the general convenience of all appellate jurisdiction in this country over the Company's courts, not considering the extended view of the subject as intended to be submitted to our consideration.

It seems that neither the utmost diligence on the part of the Privy Council, nor the wisest constitution of that tribunal could abate the evil, so long as the Council are confined within their ordinary judicial duties. It has been suggested to us, that the principal cause of failure in the appellate jurisdiction from the Company's courts, is the ignorance of the natives in India of the measures necessary to give effect to an appeal, and that their ignorance in this respect is the more excusable, because the Company's courts of appeal in India, as we have been informed, always entertain and proceed upon an appeal from the inferior jurisdiction as soon as the record is lodged in their custody, without waiting for any further steps to be taken by either respondent or appellant.

Perhaps as the evil has arisen from a want of due provision in our laws, it would be improper to strike out appeals which have been long on the list, without giving notice to the parties that their interests may be defended at the bar of the Privy Council by those in whom they repose the greatest confidence. As it seems probable that in so long a period many of the parties must have died, it would have become necessary in the case of all long-standing causes, to grant time to the parties in India to take care of interests which may be important to them.

Would not that be sufficiently provided for by directing that notices of all causes now in appeal should be sent to the several Sudder Dewanny Adawluts, with due warning, that

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Sir Alex. Johnston.

unless they were prosecuted to the stage of judgment within two years, they should be deemed and taken to be dropped appeals, and struck out of the list accordingly?

The care of widely dispersing these notices, so as to reach every part of the country, could only be entrusted with perfect propriety to the several Sudder Dewanny courts out of which the records come. But it is impossible to doubt that appeals are in all countries frequently brought for the mere purpose of delaying the payment of just debts, and this grievance, as far as it exists, would be particularly vexatious in India, where the distance of place necessarily consumes so much time before the cause can be brought to a hearing at home. It should seem, therefore, that it would be essential to fix a time when all future appeals should, upon non-prosecution of six months after they are lodged in the Privy Council Office, without special cause assigned, be deemed to be dropped.

It would also be a measure of much remedial justice if the Privy Council were to be invested with a power of granting double or treble costs, in cases where the appeal may be manifestly intended for delay, and necessarily attended with great vexation to the opposite parties.

There are other matters of secondary importance which admit of easier remedy. At present, in Bengal, no appeal can be brought where the amount in dispute is not 5,000*l.* or upwards. There is no limitation at the other Presidencies. According to the views which we have taken of the undue advantage given to the rich by such distant and costly appeals, it seems to us that the judgment of all the Company's courts in India should be raised to the same appealable amount with those of Bengal. Most of these regulations might probably be carried into execution by Orders in Council; but with respect to the power of costs, and the amount of the appealable sum, they might probably be thought to require Parliamentary measures, which in that case would only be settled in conferences between the President and the members of the Cabinet.

If any Parliamentary measure be adopted, a power might well be given to the courts in India to receive and record any compromise of a suit between the parties, notwithstanding the pendency of an appeal, and to transmit a judicial certificate thereof to the appellant court.

It would be a very wholesome provision if the Privy Council were to direct the Company's courts in India to strip the records of needless verbosity, and to reduce them as far as possible to what lawyers in England would call issueable points. It is not intended to say that the huge masses of papers such as are now sent should not continue to be sent, in order that they might be examined, in case of necessity, with a searching eye by all those who took a special interest in a cause, and in order also that the fidelity of the abridgement might in all cases be easily ascertained. It must be owned, however, that as things now are, their immense magnitude, besides greatly enhancing the expense, much more tends to impede due examination of them than to promote it.

It is clear that appeals should not be made against judgments, orders, or decrees of an interlocutory nature, unless the applicant shall enter upon the record a suggestion that such judgment, &c. concludes the general justice of the case, and that he waives making any further appeal in the cause, if that judgment, &c. be confirmed against him.

(signed) *J. Mackintosh,*
E. H. East,
Alexr Johnston.

COPY of a LETTER from Sir *Alexander Johnston* to the Right Honourable *Charles Grant*.

Sir,

19, Great Cumberland-place, 7th May 1832.

SIR Edward H. East, Sir James Mackintosh and I, had the honour on the 4th instant to send you, in answer to your letter of the 29th of March, our joint opinion upon some of the points which you had referred to us, relative to the appeals which are brought from the courts of Sudder Adawlut in India to the Privy Council in this country.

I have

9 July 1812

Sir Alex. Johnston.

I have now the honour, in consequence of the conversation which I had with you this forenoon, to enclose you a statement of the different measures which Mr. Clark and I think necessary to enable the Privy Council to hear and decide the fifty cases of East-India appeals which have been so long pending before the King in Council, but which, owing to the zeal and promptitude with which you have taken up the question, may now be expected to be brought to a conclusion without any more delay.

Allow me to add, in allusion to the very flattering terms in which you have done me the honour to ask my opinion upon the occasion, that receiving as I do the pension of a retired Indian judge, I shall always feel it to be a public duty which I owe to my country to co-operate in any way in which my services may be required in hearing and determining all the Indian cases which are now in arrear.

I should not presume to think that my services could be of any use in such a proceeding unless my attention had been particularly called to the subject from the year 1810 to the present period, in consequence of a reference which was then made to me by the late Lord Londonderry, and in consequence of my having been, during the whole twelve years I was Chief Justice and President of His Majesty's Council on Ceylon, *ex officio* First Member of the High Court of Appeal on that island, which court has the same appellate jurisdiction over all the inferior courts on the island as the several courts of Sudder Adawlut at the different Presidencies on the continent of India have over all the inferior courts in their respective Presidencies, and which court proceeds according to the same rules, regulates its decisions according to the same codes of Muhomedan and Hindoo law, and administers justice amongst natives of the same religious persuasion as the Courts of Sudder Adawlut do within those Presidencies.

I have the honour to be, Sir,
Your most obedient and faithful servant,
Alex^r Johnston.

IT appears that under the operation of certain Regulations of the Indian governments, a great number of appeals from decisions of the Courts of Sudder Adawlut (or courts of the highest jurisdiction, established by the East-India Company, for the administration of justice to the natives of India residing in the provinces, and not amenable to the jurisdiction of the King's Supreme Courts of Judicature) have from time to time been transmitted to England, the earliest of which bears date in 1799; and that, with very few exceptions, they have not been prosecuted by the appellants in the usual mode in which appeals are prosecuted before the King in Council, neither have the respondents taken any steps to have them dismissed for non-prosecution; and it further appears, that in some cases the parties have compromised their suits subsequently to the arrival of their appeals in England, and have transmitted duly attested notice of such compromises in the same way in which the appeals were transmitted; and that as no orders have been issued by the Privy Council upon such references, the parties who have so compromised, and their sureties, are not released from their responsibility, nor are all their deposits and securities returned to them; because, as stated in the proceedings of the courts abroad, the appeals are considered as being lodged and depending before His Majesty in Council, without whose final orders such relief cannot be afforded to the suitors.

It appears that the right of appeal from the Sudder Dewanny Adawlut at Calcutta was limited by the 21 Geo. III. c. 70, s. 21, to cases in which the sum in issue is not less than 5,000*l.*; and that in pursuance of such limitation a Regulation was enacted by the Bengal government in the year 1797, prescribing the rules under which applications should be made by suitors for leave to appeal to the King in Council, and all other measures should be taken for the furtherance of the appeals, and of all documents necessary for the information of the King in Council; such Regulation, however, distinctly declaring the reservation to His Majesty of his right to exercise his full and unqualified pleasure in the rejection

Bengal, XVI. of 1797.

Madras, VIII. of 1818.

Bombay, IV. of 1827.
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*See Alex. Johnston.*Madras, Reg. V. of
1802, s. 33, et seq.
Reg. VIII of 1818Madras, Reg. VIII
1813Bombay Reg. IV.
1812.

rejection or admission of appeals, notwithstanding any rules in the said Regulation. But the Act above referred to not having prescribed any limit to the right of appeal from the decisions of the highest Company's courts at Madras and Bombay, a different course was adopted at those Presidencies. By Regulation V. of 1802, enacted by the Government of the former Presidency, provision was made for an appeal from the judgments of the Sudder Adawlut at Madras to the Governor General in Council at Calcutta; and it is understood, that for several years subsequently to the date of that Regulation appeals were preferred accordingly, and that the Governor General in Council, on the receipt of the records of appeal (which were prepared and transmitted to him in like manner, and under similar rules to those which now govern the transmission of appeals to His Majesty in Council from that Presidency) used to issue his final orders or decrees on such appeals, and forward the same to Madras, to be there carried into execution. The Governor General in Council, however, having subsequently "relinquished the authority exercised by him" with regard to such appeals, the previous Regulation was repealed, and a new Regulation was enacted, which is now in force, and under which the appeals from that Presidency, now in England and unproceeded in, have been transmitted. At Bombay a Regulation was passed in 1812, containing the like provisions as that passed in Bengal for the admission of appeals, in such cases only as amounted to 5,000*l.*, although no limitation of the right of appeal from Bombay had been imposed by Act of Parliament. This Regulation, however, was very soon rescinded by Regulation XI. of 1813, and no rules appear to have existed for the admission, at that Presidency, of appeals to the King in Council until the passing of Regulation V. of 1818, which is similar in its provisions to the Madras Regulation VIII. of the same year, providing for all Acts necessary to be done *in India* for the presentation and admission of an appeal, and for the transmission of an authentic record of all proceedings, evidence, &c. for the information of the Privy Council; and likewise for the delivery of security, as well for the fulfilment of the eventual decree of His Majesty in Council, as for the payment of all costs that might be incurred in the prosecution of such appeals. When the Regulations of the Bombay Government were re-enacted in an improved form in 1827, rules similar in effect to those of 1812 were enacted in Regulation IV. c. 23; and it was there declared, that "the decrees of the King in Council, when duly certified, should be enforced, under the directions of the Sudder Dewanny Adawlut, by the judge of the zillah in which the suit was originally tried in the same manner as those of his own court." In all the Regulations above noticed the directions to the suitors are necessarily confined to such acts as were under the control of the Indian courts, and could not extend to measures which should be adopted in England, nor fix any limit of time for finally disposing of the suits in the event of the parties not moving in them by the agency of representatives in England.

It appears that to each of the records of appeal which have been received in England from the Sudder Adawluts in India is prefixed a certificate under the seal of the court, and the signature of the registrar, declaring it to contain authentic and correct copies of the orders, judgments, evidence and other documents in the case, prepared for submission to the King in Council; and it further appears that the said records have all been forwarded by the local governments to the Court of Directors of the East-India Company, by whom they have been lodged or deposited in the office of the Privy Council, and that those records are intended for the sole use of the Privy Council, and not for the use of the suitors or their agents; and it further appears, from correspondence between the Court of Directors of the East-India Company and their governments abroad and from proceedings of the Courts of Sudder Dewanny Adawlut, accompanying the references in compromised suits, that the reception of those records in England is deemed by the authorities abroad to be virtually a lodging of the said appeal before His Majesty in Council, whose orders thereon are looked for; and that without such orders Courts abroad do not consider themselves authorized to dispose, finally, of any case that has been so appealed, and to restore deposits, and deliver up securities; adverting to what is understood

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understood to have been the practice in cases of appeal from the Sudder Adawlut at Madras to the Governor General in Council previously to 1818, such expectation seems grounded on the former practice in India in that respect.

Referring to the peculiar condition of the natives of India, for whom a system of administration of justice has been provided; under legislative sanction, by the East India Company, and to the incompetency of the courts or governments abroad to promulgate any rules regarding the course of proceeding in England, or to authorize the dismissal of suits for non-prosecution or otherwise, unless such rules shall have first received the sanction of the Privy Council; and it being necessary that such rules should be made and duly notified by regulations to be promulgated at the Presidencies in India, and that provision should be made for giving due effect in England to such rules, so that the present accumulation of arrears may be finally disposed of; with due regard to the interests and rights of the suitors, the following provisional measures are proposed:

All the appeals and proceedings received from the Courts of Sudder Adawlut, through the Court of Directors of the East-India Company, shall be referred to a Committee of His Majesty's most honourable Privy Council, who shall meet as often as may be required, and who shall prepare such orders, judgments or decrees as the exigency of each case may require, to be submitted to His Majesty in Council for his confirmation and approval; notice of such reference shall be communicated to the Courts of Sudder Adawlut in India for the information of the suitors.

All appeals transmitted to England by the Courts of Sudder Dewanny Adawlut at the several Presidencies under the Regulations of the Indian governments, and received in this country before the 31st December 1831, and which shall not be proceeded in by the appellants before the 31st December 1833, shall be dismissed.

An officer to be called Registrar of Adawlut Appeals shall be attached to the Committee until the present accumulation of appeals shall have been disposed of, or until some permanent arrangement regarding appeals from the Courts of Sudder Dewanny Adawlut to His Majesty in Council shall be made.

The duties of that officer shall be as follows:—To have the care of the records and other documents transmitted from the Sudder Adawluts in India for the purpose of being laid before His Majesty in Council, and to keep a register of them according to their dates; to make such communications to the Sudder Adawlut Courts as the Committee of the Privy Council shall direct.

To prepare from each "record" a list of all the papers forming the collection so termed, exhibiting briefly the subject of each paper, number or document, for the better enabling the Committee to refer to the record; and also to prepare a glossary of all Indian terms used in each case.

To carry into effect the rules which may be passed for the direction of the parties, and the due order of proceeding in regard to the Adawlut appeal; to provide professional assistance for the parties when authorized so to do by a power from the suitors in India, and to keep a regular account of all monies expended on their behalf out of the deposits to be made by them in India, and to transmit copies of such accounts for audit to the proper officer of the East-India House before transmission to India.

The appellants in India shall be required by a Regulation, to be promulgated at each Presidency, to notify, within a term to be specified, whether it is their intention to proceed with their suits; and if such be their intention, they shall be required to state to the court of the zillah within which they reside, within a certain time, the name and address of the person who will be authorized to be their agent in England for conducting the said suit. The appellants shall be at the same time informed that they may, if they desire it, appoint the registrar of Adawlut appeals to be such agent, so far as to appoint counsel in their behalf, and to pay all expenses attendant on the prosecution of the appeal, provided they severally deposit in the treasury of the Presidency to which they belong a sum not less than 1,000/.,

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1,000*l.*, to be drawn out as required for the payment of the appeal, on vouchers to be delivered to the auditor of accounts at the East India House. All suits in which the appellants shall not either appoint an agent of their own, or authorize the registrar of Adawlut appeals to act for them as above, in three months from the date of the notice served upon them, shall, on certificate from the Sudder Adawlut of due service of such notice and of failure to obey the same, be dismissed.

Like notice shall be given to the respondents, with like option of empowering the registrar of Adawlut appeals to appoint counsel on their behalf; and on certificate from the Sudder Adawlut of due service of such notice, and of no agent having been appointed, the appeal shall be heard *ex parte*, on application to that effect by the representative of the appellant.

In all applications for leave to appeal which may be presented after the receipt of these orders by the Sudder Adawlut Courts in India, the appellants shall be required, besides the previous conditions which they are now called upon to fulfil, and deposits now required, to state the name and address of the person who is to act as agent for the appeal in England or to authorize the registrar of Adawlut appeals to appoint counsel for them on their making the deposit for the expenses to be incurred; and no appeal shall be admitted by a Court of Sudder Adawlut unless such nomination of a representative be made by the appellant.

The substance of the foregoing rules shall be duly promulgated in the several Presidencies in India by Regulations drawn out in the prescribed form, and declaring in the preamble that the said rules have the sanction of His Majesty's most honourable Privy Council.

(G).

The Copy of a LETTER from the Abbé Dubois to Sir Alexander Johnston, giving him an Account of the present condition of the Native Catholics throughout India.

King-street, Portman Square,
London, 21st May 1831.

Dear Honourable Sir,

IN the last interview I had the honour to have with you, you appeared anxious to have a short sketch of the Christian missions in Asia. I will endeavour to comply with your wishes, as far as my inquiries on the subject, during my long residence in India, enable me to do.

The whole of the Christian converts in Asia, during the three last centuries, by the Jesuits and their successors, do not amount, at the present time, to more than twelve or thirteen hundred thousand, if we except those made by the Spanish missionaries, on the Phillippine Islands, which, from all accounts, amounts to about two millions, among the natives of those Islands. Of the twelve or thirteen hundred thousand converts on the Continent of Asia, India contains one half that number, under the superintendence of four titular bishops, and three bishops *in partibus*, with the titles of Apostolical Vicars. The four titular bishops are, the Archbishop of Goa, (the metropolitan of India,) and the Bishops of Cranganore, Cochin, and Malayapore, (St. Thomé, near Madras). The three apostolical vicars, who reside, one at Bombay, another at Verapoly, on the Malabar coast, and the third at Pondicherry, are immediately appointed by the Pope, without the interference of any temporal power. The two former are Italian Carmelite Friars, the latter is a Frenchman, and has the superintendence over the French mission in the Carnatic and Mysore.

Each bishop and apostolic vicar has a district assigned to him by the Holy See. The Archbishop of Goa has under his spiritual jurisdiction the most numerous congregations. It is he who directs all the Catholics in the Island of Ceylon, whose aggregate number amounts to at least 120,000. He has also under his spiritual sway, the great number

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number of congregations disseminated on the Malabar coast, from Tellicherry and Mangalore to Goa, inclusively, and containing at least 150,000 Catholic Christians. Next to Goa, the most numerous mission is that of the Apostolical Vicar at Verapoly, near Cochin, who reckons 130,000 converts, partly of the Syriac, partly of the Latin rite; the former are converts made by the ancient Jesuits, of the Syrians of the Nestorian sect, established from immemorial time in Travancore, and having still many congregations of that persuasion who steadfastly adhere to the doctrines of Nestorius; whose principal error consisted in admitting two persons in Christ. They, however, admit the seven sacraments, as the Roman-catholics, purgatory, invocation of saints, &c. but altogether reject the worship of images*. Those who are become converts to Catholicism have preserved the ancient *Syriac*, or *Chaldeo-Syriac*; and their liturgy is in that language, which their priests learn merely to read in order to be able to perform their religious ceremony, without understanding it, having no professors to teach them, and in general their native priests are very ignorant. The Bishop of Cochin has about 45,000 Christian natives under his spiritual sway: his jurisdiction extends from Cochin and Tuticorin, along the coast to Negapatam. His congregations along that tract of country are numerous, and are chiefly composed of fishermen, known under the name of Paravas, who boast and pride themselves on being the offspring of the converts made three centuries ago by the celebrated Jesuit St. Francis Xavier. The Bishop of Cranganore exercises his spiritual power in a part of the Travancore country, and in the province of Marava and Madura; he reckons 36,000 converts of several castes. Among his flock there are many thousands of those professional robbers called Colliers, who chiefly inhabit the Marava district. The Apostolical Vicar of Bombay, an Italian Carmelite friar, has the poorest mission in India; his flock does not amount to above 10,000 or 12,000 converts. The French mission entertained by the *Seminaire des Missions Etrangères*, in Paris, is composed of a French Apostolical Vicar, appointed by the Pope; his residence is at Pondicherry, and he is assisted by two French missionaries, scattered over the Carnatic and Mysore countries. The number of Christians under their charge amounts to at least 40,000. The Portuguese Bishop of St. Thomé's, near Madras, exercises his jurisdiction in the Tanjore country, where there are about 12,000 native converts; and all along the coast from Negapatam to Calcutta, there are found several congregations, chiefly consisting of that class of people calling themselves the offspring of the ancient Portuguese. Such is, Sir, the short analysis of the state of the Catholics in India I can give you; and such are the remainders of those once flourishing congregations, founded by the Jesuits, amounting, 80 years ago, to 2,000,000. Since that period, and chiefly since the extinction of the order of the Jesuits, the affairs of Christianity on the Peninsula, owing to many causes, which it would be too long to enumerate, have been visibly on the decline, and, in my opinion, will continue to be so.

I will now say a few words about the Christian sects from the Catholic Church, which have also formed religious establishments on the Peninsula. The most ancient are the Nestorians, established in Travancore, styling themselves the Christians of St. Thomé's; a claim without foundation, it being well known that their patriarch and founder, *Nestorius*, Bishop of Constantinople, lived in the fifth century: most of them were, as already mentioned, converted to the Catholic faith by the ancient Jesuits, but a great many remained, and still remain, steadfastly attached to Nestorianism, and form several congregations, amounting in all to about 20,000.

There are also congregations of Protestants, of several sects; the most flourishing are those of the Calvinistic persuasion, established in the Island of Ceylon, amounting, it is said, to about 60,000, chiefly composed of Catholic converts, who turned Calvinists during the long persecution exercised by the Dutch against Catholicism; a persecution which lasted

* By worship of images is meant nothing more than respect and veneration for the holy persons represented by them.

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lasted, in a great degree, until the time when, by your benevolent and persevering interference, you succeeded to obtain the full emancipation of the Catholics, and to remove all the civil incapacities which weighed on them on account of their religion; a favour, whose remembrance shall be handed down from generation to generation, among the Catholic population of the island, with senses of the liveliest gratitude. From the Peninsula of India let us pass over to the countries beyond the Ganges.

There is a mission of Italian Barnabite Friars, established more than a century ago in Pegu, having to attend to the five congregations at Rangoon, and some other parts of the country, an apostolical vicar, and three or four missionaries. That mission, owing to the civil wars which at all times raged in the country, and to other causes, was at no time prosperous, and at present reckoned only about 8,000 converts.

The *Seminaire des Missions Etrangères*, in Paris, has entertained, during these last 150 years, a mission in the kingdom of Siam, which at present consists of a bishop, apostolical vicar, and six French missionaries; the residence of the bishop is at Bankock, and the missionaries attend the congregations scattered over the country. The number of converts was once considerable; but, owing to the continual foreign and civil wars which have not ceased to exist in the country, their number is at present reduced to about 10,000 or 12,000. The most flourishing mission under the charge of the *Seminaire des Missions Etrangères* is that of Tonkin, where we reckon at least 160,000 converts, attended by a bishop, and an apostolical vicar, 10 French missionaries, and 60 native priests, properly educated by two French missionaries, delegated for that purpose. The Spanish mission, in the same country, is no less flourishing than the French one; thus the aggregate number of Tonkinese converts amounts to about 300,000 souls. Next comes the mission of Cochinchina and Cambodia, including at least from 70,000 to 80,000 converts, attended by a bishop, vicar apostolic, nine or ten French missionaries, and about 25 native priests, educated by the missionaries.

Finally, the *Seminaire des Missions Etrangères* entertains a mission in the interior of China. In the province of Futchneu, there are to be found about 50,000 Chinese converts, attended by a French bishop, six or seven missionaries, and 22 or 24 Chinese priests. The Portuguese, Spaniards, and Italians, have also established missionaries in several provinces of the Empire, many of which go on well, and the aggregate amount of the Chinese converts does not fall short of 200,000. However, as the Christian religion is proscribed by the laws of the empire, and the ingress of foreigners into the interior forbidden under pain of death, the missionaries are introduced by trusty converts with the greatest caution, at the risk of their lives for the introducer and the introduced; and even after their safe arrival in their missions they are obliged to live hidden, and to use a continual vigilance not to be discovered. If they are discovered, and given up to the Mandarins, they are judged and sentenced to death, or to perpetual exile in Tartary, ordinarily to Eli. They are, however, sometimes redeemed by giving heavy bribes to the Mandarins.

The *Seminaire des Missions Etrangères* sends every year a certain number of young missionaries to Macao, where we have an agent, a French missionary, well acquainted with the localities; whose charge is to receive the missionaries we send, keep the correspondence between our Missions and the Seminaire of Paris, receive and shelter the couriers which are sent once a year by the apostolic vicar, to accompany and introduce the missionaries newly arrived from Europe, send to the several missions the small sums of money, and other articles destined for each one, &c. &c.

The *Seminaire des Missions Etrangères*, founded two centuries ago, is directed by four members, who have passed at least two years in one of our foreign missions. I am one of the four. I have been deputed by my associates to this country, to keep the correspondence of the missions, receive the letters which arrive at this season by the return of the East-India Company's ships from Canton, return answers, and execute the commissions of the missionaries; the agitated state of France not allowing us a safe medium of correspondence at the present time.

•Such

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Such is, honourable sir, the short analysis I can give you of our mission, a more extensive account would prove tedious. I regret much that my leisure does not allow me to make a more neat, and a little better worded copy: this, as you will perceive, has been made with much haste, for which I beg to be excused.

I have the honour to be, dear honourable Sir, your very obedient Servant,
The Abbé J. A. Dubois.

(H.)

THE Copy of a Plan for framing a Maritime Code for the use of all the different Natives of Asia who navigate the Indian Seas, and who trade with the several British Possessions in India.

AS the East-India Company's charter will soon expire, and as the Legislature of Great Britain will then be called upon to decide whether a royal government shall be established over the British territories in India, it is advisable that His Majesty's Government should take into their serious consideration every subject which is connected with the maritime and commercial prosperity of that immense empire.

There is no subject which is of more importance, both in time of peace and in time of war, to the maritime and commercial prosperity of Great Britain and India, than that which relates to the situation, the regulations, and the proceedings of the several Vice-Admiralty jurisdictions which have from time to time been established, as well in the East India Company's settlements at Bombay, Madras, Calcutta, and Penang, as in the King's settlements at the Cape, the Isle of France, Ceylon and New South Wales.

Of these eight Vice-Admiralty jurisdictions, the four first were, in consequence of their being situated in the East-India Company's settlements, established by several Acts of the Parliament of Great Britain; and the four last were, in consequence of their being situated in King's settlements, established by several orders of the King in Council.

Although there is a difference between the four first and the four last jurisdictions, as to the authority by which they were originally established, there is no difference whatever between them either as to the appointment of their judges, the nature of their jurisdiction, the forms and rules of their proceedings, the laws and usages according to which they decide, or the court in England before which their decisions are liable to be revised.

All the judges of these jurisdictions are appointed by the Lord High Admiral of England, and they all hold a commission under the great seal of the High Court of Admiralty, by which they are directed to exercise within their local limits a similar jurisdiction to the one which is exercised by that court, to proceed according to the same rules and forms as that court, to decide according to the laws and usages observed by that court, and in every case to allow of an appeal against their decisions to that court.

It is obviously the intention of the King and Parliament of Great Britain that these jurisdictions should, in consequence of their being so intimately connected as they are, both in time of peace and in time of war, with the maritime interests and naval superiority of Great Britain, be under the immediate control of the High Court of Admiralty and the general superintendence of the Lord High Admiral of England; and that all of them, as well those which are situated in the Company's as those which are situated in the King's settlements, should be considered as parts of the same system which Great Britain, in consequence of the extent of her territories to the east of the Cape of Good Hope, and the acknowledged superiority of her navy in the Indian seas, has felt it her duty to establish at her own expense, for the purpose in all maritime questions of administering prompt and substantial justice towards all the maritime traders and navigators of those seas, Europeans as well as natives of Asia; towards the former, according to such maritime laws and usages

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as prevail respectively amongst all the different Europeans who frequent those seas ; towards the latter, according to such maritime laws and usages as prevail respectively amongst all the different maritime people of Asia, consisting of Arabs, Persians, Maldivians, Malays, Hindoos and Chinese, who from time immemorial have had separate maritime laws and usages of their own, and who are most materially interested, as shipowners, maritime traders, and mariners in the navigation and trade of the Indian Ocean, and of all the adjacent seas which extend from the Cape of Good Hope west, to the Philippine Islands east, and from Van Diemen's Land south, to Calcutta north.

It is now, however, ascertained by experience that these Vice Admiralty jurisdictions, from want of sufficient local information at the time they were first established, are framed too exclusively upon the model of the High Court of Admiralty in England, and therefore that they are not so well adapted as the other King's courts in India to the local situation of the different territories, and the local circumstances of the different people for whose benefit and protection they are established.

All the nations of Asia have a right to hope that Great Britain will, in consequence of the high character for justice and the naval superiority which she has acquired throughout the Indian seas, now do, with respect to all her maritime courts in Asia, what she has already done with respect to all her other courts in that part of the world.—modify them in such a manner as to render their proceedings applicable to the local circumstances of the different countries in which they are established, and to the peculiar character, manners, and feelings of the different people whose persons, property, rights, and interests it is her object to protect ; that she will, by collecting, printing, and publishing authentic collections of all the maritime laws and usages of the different people of Asia, enable as well the judges of her maritime courts as all other persons interested in the question, to become thoroughly acquainted with all those laws and usages ; and finally, that she will not only make but enforce, both in time of peace and in time of war, as well by her maritime courts as by her naval power, such regulations for the navigation and trade of those seas as are consistent with the general principles of justice, and in harmony with the different maritime laws and usages which have from time immemorial been observed by the several maritime nations of Asia.

The extent and the accuracy of the local information which has been acquired since the original establishment of these jurisdictions, will now enable the Lord High Admiral of England, should his Royal Highness think it expedient to take the subject into his consideration, to remedy without difficulty the defects which experience may have shown to be inherent in their present constitution, and to frame, from the most authentic materials, such a comprehensive and popular system for administering justice in maritime cases throughout the Indian seas, and such a comprehensive and popular code of maritime laws and usages for the security and protection of all the maritime traders, shipowners and mariners of Asia, as will not only in the present but also in future ages associate inseparably, in the minds of all the people of Asia, the idea of the justice with that of the maritime power of Great Britain. It is with this view submitted to the Lord High Admiral, that it will be advisable for his Royal Highness to order the Vice-Admiralty jurisdictions of the Cape, the Isle of France, Ceylon, New South Wales, Bombay, Madras, Calcutta, and Penang, to send to the Admiralty a report upon the three following points :

1st. Upon the origin, proceedings, and present state of each of the Vice-Admiralty jurisdictions which have been respectively established at Bombay, Madras, Calcutta, Bengal, the Cape, Isle of France, Ceylon, and New South Wales, and upon the nature of the different powers, civil and criminal, which are exercised by their different judges, as well in time of peace as in time of war.

2d. Upon all such general maritime laws and usages of Europe, and such particular statutes of the Parliament of Great Britain as are at present applicable to the trade and navigation in the Indian seas, both in time of peace and in time of war.

3d. Upon

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3d. Upon the several codes of maritime laws and usages which are respectively in force amongst all the different nations of Asia, who are in any way engaged in the maritime trade, or in the navigation of the Indian seas.

With reference to the first point, it is submitted that the report should, besides affording a minute detail of the rules of proceeding, of the tables of fees, and of the numbers, duties and emoluments of the officers of each court, also contain a distinct and clear view of the extent and nature of the sea coasts, of the castes and character of the mariners, of the several branches of maritime trade and of the different sorts of shipping within the local limits of each court, a description of the cases which are the most commonly brought before it, of the number and peculiarities of the cases which have been decided by it ever since its first establishment, of the number of those which have been appealed, of the amount of the expense which the several parties have incurred in consequence of each appeal, and of the time which had elapsed between the original decision given by the Vice-Admiralty Court and the final one given by the Court of Appeal.

With reference to the second point it is submitted, that the report should specify in what manner each of the maritime laws and usages of Europe, and each of the statutes of the Parliament of Great Britain which is at present considered as in force with respect to such maritime traders and navigators in the Indian seas as are natives of Asia, may have an effect upon or be in opposition to their religious and moral habits, their feelings and their prejudices, and in what manner such maritime law and usage, or such statute, may be so modified as to attain the political or commercial object for which it was made, without militating against any of those feelings or prejudices.

With reference to the third point it is submitted, that the report should contain authentic and perfect collections in the original languages of the country, and in English, of the several maritime laws and usages which prevail amongst the different nations of Asia who are engaged in the trade and navigation of the Indian seas. Sir Alexander Johnston knows, from his own experience, that such collections may be easily made, and that all the information which is required may be obtained through the different Vice-Admiralty establishments at the Cape, Isle of France, New South Wales, Calcutta, Madras, Bombay, and Prince of Wales's Island. In the course of the 16 years during which he held, under the Great Seal of England, and under that of the High Court of Admiralty, the offices of President of his Majesty's Council, Chief Justice of the Supreme Court, and Judge of the Vice-Admiralty Court in Ceylon, he felt it to be his duty repeatedly to assemble on that island some of the best informed of the natives of those parts of Asia, the inhabitants of which were the most engaged in the maritime trade and navigation of the Indian seas, and to inquire from them, not only the nature and history of all the different maritime laws and usages which were observed amongst the maritime traders and navigators of their respective countries, but also what moral, political, and commercial effects each of those laws and usages had produced in their several countries, both with respect to the different persons who were subject to them and the different branches of trade to which their provisions refer.

By these means Sir A. Johnston ascertained that the different maritime laws and usages which prevail amongst the different nations of Asia, are partly of Hindoo, partly of Malay, partly of Maldivian, partly of Persian, partly of Arabian, partly of Cingalese, and partly of Chinese origin; that a few of them are derived from the laws of Rhodes, Oleron, Itisbury, and Consolato-del-Mare; some of which were introduced by the Arabs, from the Mediterranean, into the Indian seas, during the 15th and 16th centuries; and finally, that they all are at present, in consequence of no authentic and perfect copies of them ever having been printed and circulated throughout Asia, so little understood, even by those who are the most interested in their observance, as to render it both easy and common for the native arbitrators, to whom commercial and maritime questions are often referred, to misconstrue and pervert their meaning.

9 July 1832.

(I.)

Sir Alex. Johnston.

A PAPER containing extracts from pages 15 and 16, of the Eleventh Report of the Directors of the African Institution, and from page 93 to page 100 of the Appendix to that Report, and giving a detailed Account of the different circumstances connected with the Resolution passed on the 15th July 1816, by all (in number 763) the Proprietors of Domestic Slaves on the Island of Ceylon, declaring free all Children who might be born of their Slaves after the 12th August 1816.

IT is with feelings of the most lively satisfaction, that the Directors of the African Institution have now to state, that the benevolent exertions of Sir Alexander Johnston, the Chief Justice of the island of Ceylon, for a period of ten years, to induce the proprietors of slaves in that island to fix a day after which all the children born of their slaves should be considered as free, have at length been crowned with success. Early in the month of July last, that liberal and enlightened judge addressed himself upon this subject to the principal proprietors of slaves at Colombo who were upon the list of special jurymen for that province. The proposal contained in the Chief Justice's letter was well received by these gentlemen; and at a general meeting which they called, to take it into consideration, they unanimously resolved, that all children born of their slaves after the 12th of August last should be free. That day was fixed upon by them, at the suggestion of Sir Alexander Johnston, in honour of the Prince Regent. They afterwards appointed a committee from among themselves to frame certain resolutions for the purpose of carrying their benevolent intention into effect; the principal object of which was to secure a provision for the children born free after the 12th of August 1816, from the masters of their parents, until the age of fourteen, it being supposed that after they shall have attained that age they will be able to provide for themselves.

Sir Alexander Johnston states, that the special jurymen of Colombo consist of about 130 of the most respectable Dutch gentlemen of the place, in which number are contained almost all the Dutch who are large proprietors of slaves. Besides these gentlemen, there are jurymen of all the different castes among the natives. The moment the jurymen of these castes heard of the resolution adopted by the Dutch special jurymen, they were so much struck by the example, that they also addressed the Chief Justice, announcing their unanimous acquiescence in the measure which had been resolved upon by the Dutch special jurymen. And Sir Alexander Johnston adds, that the example of the jurymen at Colombo, was, he understood, to be immediately followed by all the jurymen on the island. "The state of domestic slavery," he says, "which was practised in this island for three centuries may now be considered at an end." And he observes, that the measure which has thus been brought about, is in a great degree owing to the principles diffused by the circulation of the Reports of the African Institution.

The Directors are persuaded that they express the cordial feeling of the institution at large in offering the tribute of their grateful acknowledgement to Sir Alexander Johnston for his successful exertions in promoting, and to the special and other jurymen of the island for their general adoption of this important change in the condition of their country, and for the bright example which they have taken the lead in exhibiting to the world, of fixing a period for the extinction of the state of domestic slavery, an example which the Directors trust will speedily be followed wherever it may be done with safety. But whether this hope shall be realized or not, it will never be forgotten that the inhabitants of Colombo were the first of the British colonists to act upon this grand, noble, liberal and disinterested principle; and they will for ever deserve the best thanks of every individual who has at heart the advancement of the happiness of mankind, and the improvement of human nature.

Extract of a LETTER from the Honourable *Sir Alexander Johnston*,
dated Colombo, 22d July 1816.

9 July 1832

Sir Alex Johnston.

I HAVE, for the last ten years of my residence in Ceylon, been endeavouring, as I believe I have often mentioned to you, to get the principal proprietors of slaves on the island to fix a day after which all children born of their slaves shall be considered as free. My endeavours have at last, as you will see by the enclosed papers, been attended with success. I wrote on the 10th of this month a letter (of which No. 1 is a copy) upon the subject to the principal proprietors of slaves in this place, who are upon the list of the special jurymen for the province of Colombo, and who are therefore all personally known to me. By the letter, (of which No. 2 is a copy,) you will see that the proposal contained in my letter was well received by them; and that they, at a general meeting which they called to take the contents of that letter into consideration, unanimously came to the resolution, that all children born of their slaves after the 12th of August next should be free; (the 12th of August was fixed upon by them, at my suggestion, as a compliment to the Prince Regent). They afterwards appointed a committee from among themselves to frame certain resolutions (No. 3), for the purpose of carrying their benevolent intention into effect. The principal object of these resolutions is, as you will perceive, to secure that the children born free after the 12th of August next shall be provided for by the masters of their parents until the age of fourteen, it being supposed that after they have attained that age they will be able to provide for themselves.

The Dutch special jurymen of this place consist of about 130 of the most respectable Dutch gentlemen of the place; in which number are contained almost all the Dutch who are large proprietors of slaves. Besides these gentlemen, there are jurymen of all the different castes among the natives, such as vellales, fishermen, men of the mahabadde or cinnamon department, Chittes, and Mahomedans. The moment the jurymen of these castes heard of the resolution which had been come to by the Dutch special jurymen, they were so much struck with the example which they had set them, that they also immediately addressed me in the same manner as the Dutch had done; announcing their unanimous acquiescence in the measure which had been adopted by the Dutch, and their unanimous determination to consider as free all children that may be born of their slaves after the 12th of August.

No. 4. is a copy of the answer which I sent to the address which was presented to me on the occasion by the Dutch special jurymen; and No. 5. a copy of that which I returned to the respective addresses which were sent me by all the jurymen of the different castes of natives at Colombo.

The example of the jurymen at Colombo, is, I understand, to be immediately followed by all the jurymen on the island*. You will, I am sure, be delighted to hear of this event. The state of domestic slavery, which has prevailed in this island for three centuries, may now be considered at an end.

No. 1.—Copy of a LETTER from the Hon. *Sir Alexander Johnson* to the Dutch Gentlemen whose Names are on the List of Special Jurymen for the Province of Colombo.

Gentlemen,

Colombo, July 10, 1816.

THE able assistance which I so frequently receive from you in the execution of my office, renders it my duty to communicate to you, without delay, any information which may be interesting to your feelings. I therefore have the honour to send for your perusal, the Eighth and Ninth Reports of the African Institution, which I have lately received from England.

The

* It was shortly after followed by all the proprietors of domestic slaves (in number 763) on the Island; all the proprietors of slaves on Ceylon were on the list of jurymen.

9 July 1832.

Sir Alex. Johnston.

The liberality which you have always displayed in your sentiments as jurymen, make me certain that you will be highly gratified with the success which has attended the proceedings of that benevolent institution.

Many of you are aware of the measure which I proposed in 1806 to the principal proprietors of slaves on this island, and of the reason for which its adoption was at that time postponed.

Allow me to avail myself of the present opportunity to suggest to you, that, should those proprietors, in consequence of the change which has since taken place in the circumstances of this island, now think such a measure advisable, they will, by carrying it into effect, set a bright example to their countrymen, and show themselves worthy to be ranked amongst the benefactors of the human race.

I have the honour to be, gentlemen,

Your most obedient humble servant,

(signed) *Alexander Johnston.*

No. 2.—Copy of the Answer to the above.

To the Honourable Sir *Alexander Johnston*, Knight, Chief Justice of the Supreme Court of Judicature in the Island of Ceylon, &c. &c. &c.

May it please your Lordship,

WE, the undersigned, respectfully beg leave to acknowledge the receipt of your Lordship's very kind and condescending letter of the 10th instant, accompanied with the Eighth and Ninth Reports of the African Institution, the perusal of which we did not delay, in consequence of the honourable distinction which your Lordship has shown in addressing us on so important a subject, with the laudable and humane view of directing our attention to the measure which your Lordship has heretofore proposed in the year 1806.

We sincerely beg leave to assure your Lordship, that the proposal conveyed by your Lordship's letter is gratifying to our feelings; and it is our earnest desire, if possible, to disencumber ourselves of that unnatural character of being proprietors of human beings; but we feel regret in adding, that the circumstances of every individual of us do not allow a sudden and total abolition of slavery, without subjecting both the proprietors and the slaves themselves to material and serious injuries.

We take the liberty to add, that the slaves of the Dutch inhabitants are generally emancipated at the death of their owners, as will appear to your Lordship on reference to their wills deposited in the records of the Supreme Court; and we are confident that those who are still in a state of slavery have likewise the same chance of obtaining their freedom.

We have, therefore, in following the magnanimous example of those alluded to in the aforementioned reports of the African Institution, come to a resolution, as our voluntary act, to declare, that all children who may be born slaves from and after the 12th of August 1816, inclusive, shall be considered free, and under such provisions and conditions as contained in a resolution which we shall agree upon, and which we shall have the honour of submitting to your Lordship, for the extinction of a traffic avowedly repugnant to every moral and religious virtue.

We have the honour to subscribe ourselves,

May it please your Lordship,

Your Lordship's most obedient and very faithful humble servants,

Colombo, July 14, 1816.

(signed) By 64 persons.

No. 3.—Copy of the Resolutions referred to in the preceding Letter.

9 July 1832.

At a meeting of the Members of the Special Dutch Jurors, assembled by general consent, for framing certain Resolutions, to be carried into effect for the eventual Emancipation of Children born of Slaves, held at Colombo, on Monday the 15th July 1816;

Sir Alex. Johnston.

Present—Counr. Sebastian Wickerman, Esq., Johan Frederic Lorenz, Esq., John Gerard Kriekenbeek, Esq., Frans Philip Fretz, Esq., Leonard Van Dort, Esq., Christ. Cornelis Uhlenbeek, Esq., Wilh. Abraham Kriekenbeek, Esq., Dieterich Cornelis Fretz, Esq., Richard Morgan, Esq., Cornelis Arnoldus Prins, Esq., Johannes Justinus Stork, Esq., Jacobus Cornelis Vandendriessen, Esq., Johannes Bartholomeusz, Esq.

Resolved unanimously,

1st. That all children born of slaves from and after the 12th of August next ensuing shall be considered free.

2d. That if a female slave be sold who has a child or children born free, they shall go with her into the hands of the new master, if they have not completed their second year.

3d. That of all children who have past their second year, it shall be at the option of the master to return them, notwithstanding the sale of the mother.

4th. That all children who are born free shall remain in their master's house, and serve them without any wages, save and except their food and raiment, which shall be at the expenses of the masters; a male till the age of fourteen, and a female till the age of twelve.

5th. That when free-born children have completed the fourteenth and twelfth year of their age, as aforesaid, they shall from that day since be emancipated from their masters.

6th. That if a master manumits his female slave, who has a free-born child or children above two years of age, it shall be at the option of the masters to retain them, namely, the female till the age of twelve, and the male till the age of fourteen, or allow such child or children to follow the mother; in which latter case the mother shall be obliged to support the child or children.

7th. That in case any master, through manifest poverty, or from the incorrigible depravity of the free-born children, or for any other causes, finds himself unable to retain them any longer under his care, application shall be made by such masters to any charitable funds, or the magistrates, that they may be otherwise disposed of.

8th. That in order to prevent any fraud to the prejudice of the free-born children, all heads of the families in whose houses any child of that description is born shall have the birth of such child registered by the constables of his division at least within three days thereafter.

9th. That every constable shall, for the same purpose, open a register, in which shall be specified the sex, and names of the parents and masters; and a list thereof shall monthly be transmitted to the office of the sitting magistrate, to be entered in a general register of the free-born children.

10th. That in the register to be kept by the constable, an entry shall likewise be made by him of the death of every free-born child, upon the information to be given by the heads of the family within the same space of time aforesaid; and a monthly list thereof shall be transmitted to the sitting magistrate's office, to be entered accordingly in the general register.

11th. That of both the general registers of births and deaths quarterly returns shall be made to the Chief Secretary's office.

Lastly, Resolved unanimously,

That the foregoing resolutions be forwarded to the Honourable the Chief Justice, to be submitted to his Excellency the Governor, in order that the same may be made a rule, under such alterations, amendments, and modifications as his Excellency may deem expedient for the furtherance of the beneficial object in view.

(signed) By all present.

9 July 1832.

Sir Alex. Johnston.

No. 4.—Copy of the Answer of the Hon. *Sir Alexander Johnston* to the Address presented to him by the Dutch Special Jurymen.

Gentlemen,

Colombo, 21st July 1816.

I HAVE had the honour to receive the resolutions which you have sent me by Mr. Kriekenbeek and by Mr. Prins, and shall with pleasure present them, as you desire me, to his Excellency the Governor.

I beg leave to offer you my warmest congratulations on this interesting occasion. The measure which you have unanimously adopted does the highest honour to your feelings. It must inevitably produce a great and a most favourable change in the moral habits and sentiments of many different classes of society in this island; and generations yet unborn will hereafter reflect with gratitude upon the names of those persons, to whose humanity they will owe the numerous blessings which attend a state of freedom.

I return you my sincere thanks for the honour you have done me, by making me the channel through which your benevolent intention is to be communicated to his Excellency the Governor. As an Englishman, I am bound to feel proud in having my name associated with any measure which secures the sacred right of liberty to a number of my fellow-creatures.

I have the honour to be, Gentlemen,

Your most obedient and humble servant,

(signed) *Alexander Johnston.*

No. 5.—Copy of the Answer of the Hon. *Sir Alexander Johnston* to the Address presented to him by the Jurymen of the different Castes of Natives at Colombo.

Gentlemen,

Colombo, 22d July 1816.

I HAVE had the honour to receive the resolutions which you have respectively passed, declaring your unanimous acquiescence in the measure which has lately been adopted by the Dutch special jurymen

I take the liberty to enclose you, as the best way of conveying to you the sentiments which I entertain upon the subject, a copy of a letter which I have written to those gentlemen.

Allow me to add, that I am fully aware of the anxiety which the jurymen of all castes have shown to emulate the example set them by the Dutch special jurymen; and that it will be gratifying to the friends of humanity to know, that whatever difference of religion, or whatever difference of caste, may prevail among the persons who are enrolled on the list of jurymen of this place, no difference of opinion has for a moment prevailed among them as to the propriety and justice of the measure in question.

I have the honour to be, Gentlemen,

Your most obedient and humble servant,

(signed) *Alexander Johnston.*

9 July 1832.

(K.)

A PAPER containing an Account of the different circumstances connected with the Repeal, in 1810, of all the Restrictions which were previously in force on the Island of *Ceylon* against Europeans acquiring and holding Lands in Perpetuity on that Island. *Sir Alex. Johnston.*

AS the steps that were taken by Sir Alexander Johnston many years ago to repeal the laws which then prevailed in the island of *Ceylon* against the admission of Europeans to colonize on that island form a precedent for adopting a similar measure in the British territories on the continent of India, and must of course be frequently referred to by the members of both Houses of Parliament when the discussion of this important measure is brought before Parliament, we shall, for the information of those members in particular, and for the British public in general, endeavour to give a detailed account of the restrictions against European colonization which were originally introduced into the island of *Ceylon* on the capture of the Dutch possessions in that island by the British arms, and of the different measures which led to the complete repeal of those restrictions, and to the complete change of policy by His Majesty's Ministers upon that subject.

When the English took possession of the Dutch settlements in the island of *Ceylon*, they were, in the first instance, placed under the government of the East-India Company, and the same restrictions against European colonization as prevailed in the rest of the Company's dominions were in force in them; when afterwards, in 1801, the Dutch possessions on that island were transferred from the government of the East India Company to that of the Crown, His Majesty's Ministers, adopting the same policy as the East India Company had previously done with respect to European colonization in *Ceylon*, sent out instructions, of which the following are copies, upon the subject, to the late Lord Guildford, the then Governor of that island:

"With a view to preclude all approaches towards European colonization, you will observe, that no grants of land in perpetuity, or estates of inheritance, are to be made by Government to British subjects or European settlers, and if any such have already been conceded by Government since the island has been in the King's possessions, as such grant could only have been made subject to ratification by His Majesty, the consideration (if any) which may have been paid should be refunded, and the grant revoked.

"You will also let it be understood that the purchase of lands in perpetuity, for the obtainment of a longer term in lands in *Ceylon* than the period of seven years, whether in their own name or by the intervention of a native trustee, be utterly forbidden to all British subjects in the civil or military service, and to all licensed residents in *Ceylon*. In the event of any act being done in violation of this restriction, the attempt should be deemed a revocation of the licence possessed by the offenders.

"That Government may be apprized of the fact, you will direct that all conveyances and contracts relative to land entered into by any licensed resident, unless as tenant at will, or from year to year, be registered in the Secretary's office within three months after the contract has been entered into, on pain that the whole transaction be rendered null and void.

"As purchases of land may already have taken place between British subjects and the Dutch or natives, which, if sanctioned by Government, would form an exception to the present system, you will call on such British purchasers to dispose of such landed property, the acquisition of which was, at the least, extremely injudicious during the present war; as the value will probably have risen, and they will receive the increased amount, they will have no right to complain. Should, however, any such British purchaser refuse to acquiesce you will consider that refusal as a revocation of his licence, and direct him to depart from the island."

9 July 1832.

Sir Alex. Johnston.

In 1806, Sir Alexander Johnston, having become Chief Justice and first member of his Majesty's Council in Ceylon, made, at the request of the then Governor, a complete circuit of the island, not only for the purpose of the administration of justice through every part of the British territories, but also for that of examining into, upon the spot, the state of the people, and the best means of ameliorating their condition, by improving the agriculture, the manufactures, and commerce of the country. Amongst other objects, he particularly directed his attention, while on the circuit, to the extent and nature of the vast tracts of waste lands belonging to the Government in the northern and eastern divisions of the island, which, although they had in ancient times been highly cultivated and well peopled, were then completely uncultivated and depopulated.

Sir Alexander being, in consequence of the report he made as to these lands, requested by Sir Thomas Maitland, the then Governor, to give his opinion as to the best mode of restoring them to their former state of cultivation, strongly advised that all the restrictions which were then in force against the colonization of Europeans in the island should be immediately repealed, and that, on the contrary, the greatest encouragement should be held out by Government to every European capitalist who would take grants of those lands from Government, and who would introduce European capital, European industry, and European arts and sciences, amongst the natives of the country.

Sir Thomas Maitland, agreeing with Sir Alexander Johnston in this opinion, recommended the adoption of the measure proposed by Sir Alexander to His Majesty's Ministers; and on Sir Alexander's proceeding to England, in 1809, for the purpose of submitting to His Majesty's Ministers, at the request of the Governor in Council in Ceylon, various measures for the improvement of the government and the situation of the island, instructed him particularly to impress on the minds of His Majesty's Ministers the policy of encouraging European colonization in Ceylon. Sir Alexander, on his arrival in England, having done so, the late Lord Londonderry, the then Secretary of State for the Colonies, sent out instructions to the Governor of Ceylon, annulling the restrictions which had previously prevailed in that island against European colonization, and authorizing him to adopt a different policy for the future, upon which the two proclamations were issued by His Majesty's Government in Ceylon, of which the following are copies:

(Government Advertisement.)

"Whereas certain restrictions have hitherto been laid on by His Majesty's commands, prohibiting Europeans from holding grounds in this island, and restricting the possession of lands to natives only, save and except in the town and fort of Colombo, and the gravetts thereunto belonging; public notice is hereby given, by command of His Excellency, that His Majesty has been graciously pleased to direct that all such restrictions be done away, and they are hereby done away accordingly, save and except in the district of Trincomalee, where the aforementioned restrictions are, for the present, still to apply.

"By his Excellency's command,
(signed) "John Rodney,

"Colombo, 4th December 1810."

"Chief Secretary to Government."

EXTRACT from the Ceylon Government Gazette of July 22, 1812.

(Government Advertisement.)

"*Grants of Land for Cultivation.*—The advertisement published by the Right Hon. Lieutenant-General Maitland, dated 4th December, 1810, notifying that all restrictions existing against Europeans acquiring permanent property of land in this island were from thenceforth discontinued, except in the district of Trincomalee, is now republished, viz.:
'Whereas certain restrictions have hitherto been laid on by His Majesty's commands, prohibiting

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Sir Alex. Johnston.

hibiting Europeans from holding grounds in this island, and restricting the possession of lands to natives only, save and except in the town and fort of Colombo, and the gravetts thereunto belonging, public notice is hereby given, by command of his Excellency, that His Majesty has been graciously pleased to direct that all such restrictions be done away, and they are hereby done away accordingly, save and except in the district of Trincomalee, where the aforementioned restrictions are for the present still to apply.' And the exception contained in the said advertisement with regard to the district of Trincomalee is hereby limited to the whole of the peninsula of Trincomalee, and three miles westward of the tank situated in the centre of the commencement of the isthmus. And for the further information and encouragement of persons desirous of obtaining grants of land from Government, for the purposes of cultivation, in any part of this island, with the temporary exception last mentioned.

"His Excellency is pleased hereby to publish the rules and conditions by which the grants will be regulated, in pursuance of instructions received from His Majesty's Ministers on this subject. Grants in perpetuity will be given to His Majesty's European subjects, and also to such Europeans, or their descendants, as were settled in Ceylon before the conquest of it by His Majesty, and who, by their good conduct since may have entitled themselves to that indulgence. The quantity of land so granted will not exceed 4,000 acres to any one individual. Such lands will be held free of all duty to Government for a period not exceeding ten, or less than five years. At the expiration of that period the lands will be subject to a fixed rent, liable to be altered at stated periods, but in no instance to exceed one-tenth of the actual annual produce. All such grants will be subject to a condition of cultivation and improvement according to the situation and capability of the land, the particulars of which stipulation, and of all other conditions, in which a latitude is left, will be fixed in the grants, upon a fair and equitable consideration of the circumstances of each case. Applications to be made by letter, addressed to the Chief Secretary of Government.

• "By his Excellency's command,

• (signed) "John Rodney,

"Chief Secretary to Government."

"Chief Secretary's Office, }
Colombo, July 21, 1812."

The late Lord Londonderry, who entertained the same opinions as Sir Alexander Johnston as to the policy of encouraging European capitalists to settle in Ceylon, had determined, had he remained in office, to adopt, in pursuance of the system of policy acted upon in these proclamations, the other supplementary measures advised at the same time by Sir A. Johnston, as necessary to secure complete success to the objects which his Lordship had in view.

The supplementary measures advised by Sir A. Johnston were, 1st, to repeal such parts of the Governor's instructions as authorized him, under particular circumstances, to remove a European from the island without trial, and positively to direct that no European, American, or native of the continent of India, or the island of Ceylon, should be removed from the island, without his first having been found guilty, by the verdict of a jury, of some offence to which the punishment of banishment from the island is attached by law. 2dly. To prohibit the Governor of Ceylon from any longer exercising the power, which he has hitherto exercised, of ordering any native of the island to labour for Government by force, and to direct that all labour performed for Government by natives shall be paid for in the same manner as if they performed that labour for any private individual; the above power being often productive of the greatest hardships, and the greatest injustice to the natives, and being capable of being made use of as a means of depriving such Europeans or others as may settle on the island of a part or the whole of their native labourers, at a moment when the services of those labourers may be most essential to the success of their agricultural, manufacturing, and commercial speculations. 3dly. To declare the ports of

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Alex. Johnston.

of Trincomalee, Point de Galle, Colombo, and Jaffna, free ports. 4thly. To repeal such parts of the Governor's instructions as authorize him to make legislative acts for the government of the island by his mere will and pleasure, and without the check or control of any other person in the island, and thereby enabling him, if he thinks proper, virtually, though not avowedly, to defeat even the provisions of His Majesty's charter of justice for Ceylon, which is issued under the Great Seal of England. 5th. To frame, by Act of Parliament, a free constitution for all the inhabitants of the island of Ceylon, founded upon the principles of the British constitution, but adapted to the religion, the customs, and manners of the natives, as well as to the peculiar circumstances of the country. 6th. To frame a short and a clear code of laws, divested of all technical language, for the use of the inhabitants of Ceylon. 7th. To advise some of the leading merchants in the principal towns which have an interest in the agricultural improvement of, and trade with, the island of Ceylon, to form chambers of commerce, or committees, for the purpose of watching over and protecting, in England, the interest of such British European subjects as may embark their capital in speculations upon that island.

The reasons urged by Sir Alex. Johnston for establishing such committees, are contained in the printed account, of which the following is a copy:

"A few months ago, copies of official documents were published, from which it appeared that the settlement of Europeans in Ceylon had been allowed, at the instance of Sir A. Johnston, the then Chief Justice of the colony. It may be useful to state, that at the time Sir A. Johnston proposed to His Majesty's Ministers to take off the restrictions against Europeans holding land in Ceylon, which restrictions were taken off by the proclamations of 1810 and 1812, he was perfectly aware that this measure would not be attended with the full benefits which might be derived from its adoption, unless those persons who are connected with the trading and manufacturing interests of England were made fully acquainted with the real state of the island of Ceylon, and unless they were induced to exercise a salutary superintendence over the interests of the several capitalists who might determine, in consequence of this measure, to settle upon that island, but who were very unlikely to succeed in their speculations, unless they could obtain in this country, before they embarked in those speculations, such information as might be necessary to enable them to judge of the prudence or advisability of embarking in them; and unless they could also, after they once had embarked in them, be certain, in case of their meeting with opposition on the island, of receiving, in all cases in which they were really wronged, the support of the trading and manufacturing interest of England, both in their endeavours to obtain redress, and to secure for themselves the adoption of such a policy, and such a system of laws for the regulation of the agriculture, manufactures, and trade of the island, as might enable them to avail themselves, to the fullest extent, of the local capabilities of the island, and of the advantageous and free use of their capitals.

"In order to secure for them the certainty of being able to procure such information as they might require before they determined upon such speculations, and the equal certainty of obtaining redress in England, if wronged in the colony, after they once had embarked in such speculations, Sir Alexander proposed that a committee should be formed in England of some of the most respectable and best informed of the persons who were connected at Liverpool, Glasgow, Manchester, and other places, with such portions of the trading and manufacturing interests of England as were the most interested in the trade and improvements of all branches of trade and manufactures in India, and that that committee should adopt such measures as are necessary to enable it to obtain the most accurate information that could be procured of every thing relative to the island of Ceylon. Such a committee will be a great benefit—

"1st. To the persons who embark their capital in speculations on the island of Ceylon. 2d. To the native inhabitants of that island. 3d. To the people of Great Britain. 4th. To the Government of Great Britain.

"1st. To

9 July 1832.

Sir Alex. Johnston.

" 1st. To the persons who embark their capital in speculations on the island of Ceylon.

" It will enable all such persons to obtain, without expense, information upon which they can rely, as to all the following particulars:—As to what capital they ought to embark in any speculation; what profit they may fairly expect; what dangers or opposition they are likely to encounter; and what assistance they ought beforehand to secure from Government; as to the nature of the climate, the soil, the mineral and vegetable productions of the country; as to the extent, the description, and the character of the population; as to the price of labour, the state of machinery, and the different sorts of implements in use in agriculture and manufactures; as to the possibility of improving such implements, or of substituting in their room the machinery used for similar purposes in Europe; as to the facility, where labourers are not to be had in Ceylon, of getting them either from the peninsula of India or from China; as to the practicability of substituting for human labour, where human labour cannot be procured, either the labour of oxen or that of elephants; as to the nature of the religious and other prejudices of the people, and the effect which those prejudices are calculated to have upon their habits of thinking with respect to different descriptions of labour, manufactures, and trade. It will also enable all such persons, in case of any dispute, either with the local government of the island, or with persons of influence on the island, to bring their complaints before His Majesty's Ministers, through the committee, with much more effect than they could otherwise do, in consequence of His Majesty's Ministers being fully aware that those complaints had been first of all examined by merchants of respectability in this country, who were thoroughly acquainted with the subject; who viewed the circumstances in which the colonists were placed in Ceylon with the good sense, enlightened ideas, and liberal feelings of British merchants; and who, provided they approved of the conduct and proceedings of the colonists in Ceylon, would give their strenuous support to those colonists, and would excite in their favour the sympathy and support of the whole trading and manufacturing interests of England.

" 2d. This committee will be a benefit to the native inhabitants of the island of Ceylon, by encouraging capitalists from England to employ their capital with safety and with profit in agriculture, manufactures, and trade in that island, and thereby making the island what it is admirably fitted for by its local situation, the great entrepôt of trade between Europe, America, Africa, Arabia, and the western coast of the peninsula of India on the one side, and China, the Eastern Archipelago, all the countries on the eastern side of the Bay of Bengal, Bengal itself, and the coast of Coromandel, on the other side.

" 3d. This committee will be a benefit to the people of Great Britain, by rendering the people of Ceylon active, rich, and prosperous; by increasing the variety and quantity of their exchangeable produce, their demand for the manufactures and other produce of Great Britain, and thereby enabling them not only to defray the expenses of their own local government in particular, but also to contribute in some degree to the discharge of the expenses of the Government of Great Britain at large.

" 4th. This committee will be a benefit to His Majesty's Ministers, by enabling them to ascertain, from a body of merchants in this country, as well as from a body of merchants in Ceylon, who are better acquainted, both from their knowledge of the general principles of commerce and of the local circumstances of the island, than any other persons can be, with what the real wants of the island may be; what improvements in the agriculture, manufacture and trade of the island can be made by Government; what encouragement it is absolutely necessary and advisable that Government should give, in order to carry into effect these improvements; what laws now in existence are prejudicial to the agriculture, manufacture and trade of the island; what laws ought to be abolished; what, if any, substituted in their room. It will also enable His Majesty's Ministers not only to adopt, with benefit to the country, such measures as they may, under the advice of the committee think proper to adopt; but it will, through the influence it must possess in all the great manufacturing and trading towns of England, render all such measures popular by explaining to

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the trading and manufacturing interest of England the advantages they are likely to derive from the adoption of those measures; it will also enable Government, in cases of complaints being made to them by the colonists and other speculators in Ceylon against the local government or persons of influence on that island, to know what decisions they ought to come to upon the subject, consistently with their own rights and the interests and feelings of the people of the island of Ceylon."

In consequence of the late Lord Londonderry having given up the office of Secretary of State for the Colonies; in the latter end of 1809 or beginning of 1810, although the instructions to the Governor of Ceylon against allowing Europeans to settle upon that island were repealed, and the proclamations, of which we have given copies, were published by the Government of Ceylon, none of the other measures, mentioned by us as having been recommended by Sir Alex. Johnston, were subsequently carried into effect; and few, or no European British subjects have availed themselves of the terms held out by the Ceylon government in the proclamations of 1810 and 1812, it being obvious that no British subject could prudently venture to embark a large capital in that island, without enjoying the security which the measures proposed by Sir Alex. Johnston were calculated to give him.

(L.)

PAPER, containing Copies of a Letter from Mr. Ricketts, the Agent for the East Indians to Sir Alexander Johnston, on the 6th May 1830, and Sir Alexander's Answer, explaining to him the line of policy which he would advise the British Government to adopt with respect to all the East Indians in British India.

Copy of a Letter from Mr. Ricketts to Sir Alexander Johnston.

" 13, Brooksby-street, Liverpool Road,
6th May 1830.

" Dear Sir,

" YOU lately did me the honour to express a wish to peruse the East-Indian's petition to Parliament, with which I have been deputed to England by my countrymen in India; and it of course gave me great pleasure to put a copy into your hands. You are now, doubtless, made acquainted with the civil and political disabilities complained of in the petition.

" Aware, as I am, of your philanthropic efforts in behalf of the native burghers at Ceylon, the descendants of European fathers, during your residence as Chief Justice and President in Council on the Island, I shall esteem it a particular favour if you will kindly seize a moment of leisure to let me know the practical bearings and results of the measures pursued by you, and whether they turned out to be prejudicial in any way to the interests of the local government.

" I beg you will excuse my troubling you on the subject; and the best apology I can offer, and which I am sure you will as readily accept, is the vast importance of the public cause in which I am engaged.

" I have the honour to be,

" Dear Sir, your very obedient Servant

" John W. Ricketts."

" Dear Sir,

" 19, Great Cumberland Place.

" I HAVE the honour to acknowledge the receipt of your letter of the 6th of May 1830. In answer, I beg leave to assure you that I shall with pleasure explain to you the opinions which I entertain upon the subject to which you refer; and the different measures which, in consequence of those opinions, I adopted while I was Chief Justice and President of His Majesty's Council in Ceylon.

" I have

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" I have always been of opinion that, in policy, His Majesty's Government ought to show the most marked respect to all persons on Ceylon, who are either descended from Europeans, or who bear any resemblance in features, manners, dress, religion, language and education to Europeans, and thereby constantly associate in the minds of the natives of the country an idea of respect and superiority with that of a European, and with that of everything which is characteristic of or connected with a European.

" That in justice it ought to do every thing in its power to place the native burghers on that island in a situation which may enable them to acquire the respect and esteem of their countrymen, and which may make it their interest and their wish as well as their duty to support the authority and promote the views of the British nation. That it ought to encourage them to improve their moral character and to cultivate their understanding, by affording them the same prospect as Europeans enjoy of attaining, if they desire them, situations of the highest honour and of the greatest emolument in all the different departments of the state.

" And that it ought to consider the exclusion by law, for no fault of their own, but merely on account of their complexion of so valuable a class of His Majesty's subjects, as unjust and impolitic, as systematically degrading them in the eyes of their countrymen, and as subjecting them on every occasion, in private and in public, amongst Europeans and amongst natives, however respectable, however well educated, and however deserving they may be, to the most unmerited contumely and the most painful mortifications.

" I have also always been of opinion, that His Majesty's Government ought, not only with a view to the religious, moral and political instruction of the people, but even with a view to the increase of its own strength and authority on Ceylon, to adopt measures which may gradually introduce amongst the inhabitants of that island such portions of the arts and sciences, and of the moral and political institutions of Europe, as may be applicable to the situation of the country, and may ultimately assimilate the character and feelings of the people of India to the character and feelings of the people of Great Britain.

" That it ought to consider the native burghers on the island of Ceylon as valuable auxiliaries in carrying into effect all such measures, and in bringing about all such changes as are calculated to improve the moral and political character of the natives of that island.

" And finally, that it must, so far from diminishing its popularity and endangering its authority, increase the former and affirm the latter by exalting the character and conciliating the affections of all the native burghers who are settled in different parts of the island, who, from the circumstances of their birth, are thoroughly acquainted with the language, habits, manners, usages and prejudices of the natives; and who, from the circumstances of their descent, their features, their names, their religion, their laws, their education, and their language, must, if wisely protected, feel themselves bound by every tie of affection and interest to adhere at all times to the British Government, and to consider their importance, if not their existence in society, as depending upon the continuance and strength of the British authority in India.

" Entertaining these opinions, I felt it to be my duty, as soon as I became Chief Justice and President of His Majesty's Council on Ceylon, to advise His Majesty's Government to place every descendant of a European on that island, whatever his complexion might be, precisely upon the same footing as a European; to look upon him as having the same rights and privileges, as subject to the same criminal and civil law, and as eligible to the same appointments in every department of government. Upon my recommendation native burghers were appointed to the offices of registrar, deputy registrar, keeper of the records, advocates, proctors, notaries of the Supreme Court, members of the landrads, secretaries of the provincial courts, sitting magistrates, justices of the peace, and superintendents of the police, to the office of proctor for paupers, a situation of great responsibility, created by Government at my suggestion, for the specific purpose of protecting the rights of paupers and slaves, to that of deputy advocate fiscal, and, under certain circumstances, even to that of acting advocate fiscal, an officer next in rank in the Supreme Court to the chief and

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puisne justice, and discharging duties in that court of great trust and importance to the safety of the Government and the tranquillity of the country.

“ In consequence of the adoption by government of this line of policy, the native burghers on the island of Ceylon acquired a high value for character, and a powerful motive for improving their understanding, for cultivating every branch of knowledge, for making themselves acquainted with the arts, the sciences, the manufactures, and the agriculture of Europe ; they enjoyed a further opportunity of displaying their talents and extending their influence amongst their countrymen, and they felt a pride in exerting that influence in favour of the British Government, and in promoting amongst the natives of the island all such measures as were calculated to improve the state of the country, and to ameliorate the condition of the people.

“ My experience on the island of Ceylon led me, many years ago, to believe that the only way of effectually and permanently improving the condition of that island is for Parliament, after having instituted in England a full and public inquiry upon the subject, to relieve its agriculture, its manufactures, its trade, and its population, from all unnecessary and impolitic restrictions ; to open its ports to vessels of all nations ; to encourage Europeans to settle on the island, and apply their capital, their skill, and their industry to the cultivation of the country ; and solemnly to guarantee, by an Act of Parliament, to the inhabitants of every description a free and a liberal system of government, founded on the principles of the British constitution, but adapted to the peculiar circumstances of the island, and to the peculiar manners, feelings, and prejudices of the people. I therefore felt it to be my duty, in order to prepare the people for such a change, and to satisfy the Legislature of Great Britain that the natives of India, if properly treated, are capable of appreciating the value of freedom, and exercising all the rights and privileges of free men, to introduce such measures amongst the natives of Ceylon as were calculated to enlighten their understanding, to raise the standard of their moral feeling, to give them a value for character, and a respect for the rights of their fellow-creatures, to vest them with a power of making and administering the laws by which they were to be governed ; to encourage amongst them a calm and enlightened discussion of all questions, moral as well as political, in which either their spiritual or their temporal welfare might be concerned ; to remove all religious jealousies, by removing all political disabilities arising out of a difference of religious persuasions ; to make them acquainted with the history of their country, with the nature of the changes, religious and political, which it had undergone, with the causes of those changes, and the effects which they had produced upon the happiness of the people and the prosperity of the country, and with the great advantages which they were capable of deriving from the introduction amongst them of European settlers and of European capital, arts, sciences, skill and manufactures ; and to create amongst them, by means of a liberal and well-directed press, a public whose opinion might operate as a protection to all those who acted as the benefactors, and as a check upon all those who act as the oppressors of their country, and might thereby become a powerful engine for establishing amongst them a free, a mild and an economical government.

“ In all these measures the native burghers took a most active part, and displayed the most enlightened and the most disinterested feelings in the uniform and efficient support which they afforded me, and acquired by the conduct which they observed in unanimously passing, of their own accord, a resolution emancipating all children born of their slaves after the 12th of August 1816, the highest credit, not only from his Majesty's Government, but also from the members of the African Institution, whose opinion is publicly recorded in the 11th Report of their proceedings in the following words : ‘ That the grateful acknowledgments of the society are due to them for their general adoption of this important change in the condition of their country, and for the bright example which they have taken the lead in exhibiting to the world of fixing a period for the extinction of the state of domestic slavery, an example which the directors trust will be speedily followed whenever it may be done with safety ; but whether this hope shall be realized or not, it will never

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never be forgotten that the inhabitants of Colombo were the first of the British colonists to act upon this grand, noble, liberal, and disinterested principle, and that they will ever deserve the best thanks of every individual who has at heart the advancement of the happiness of mankind and the improvement of human nature.'

"From the various communications upon literary, moral, and political subjects which I frequently received while on Ceylon from East-Indians descended from European fathers, in every part of India, from the frequent opportunities which I enjoyed during the two journeys, the first in 1809, the last in 1817, which I made by land from Cape Comorin to Madras and back again, of becoming myself personally acquainted with many gentlemen of that class in the peninsula of India, and from the very high opinion which I received of the talents and acquirements of the whole class from the late Colonel Mackenzie, who while Surveyor-General of India employed a great many young men of that class, as well to survey the country as to collect for him the most valuable materials relative to the history of the people, I feel no doubt whatever that, were the Legislature of Great Britain to adopt, with respect to the East-Indians throughout the continent of India, the same line of policy which his Majesty's Ministers had at my suggestion adopted with respect to the native burghers throughout the Island of Ceylon, the British government at large would derive the same advantages which the Ceylon government in particular have derived from the talents, the zeal, and the loyalty of one of the most respectable and of the most useful portions of His Majesty's subjects in Asia. I was so convinced of this, and of the justice of extending to all East-Indians descended from European fathers on the continent of India the advantages of the system of policy observed by his Majesty's Government towards the native burghers of Ceylon, that I submitted, when I was in England in 1810, to the Lord Londonderry a plan upon the subject which secured his approbation, and which, had I remained on Ceylon, I should have advised His Majesty's Ministers to carry into effect under the sanction of a special Act of Parliament.

"The object of this plan was to afford the whole class of East-Indians descended from European fathers in Asia a favourable opportunity of raising their moral and political character in the estimation of the people of Europe and Asia, by inducing the most distinguished of that class, from every part of the continent of India, to co-operate with the most distinguished of the native burghers from every part of the island of Ceylon, in establishing an extensive settlement of their own in the northern provinces of that island.

"According to this plan a free constitution, and every right and privilege possessed in England by the most favoured European-born British subject, were to be guaranteed to all members of this settlement by the Legislature of Great Britain.

"The government lands in those provinces which, though at present uncultivated and depopulated, were in former ages most highly cultivated and most densely peopled, were to be granted by His Majesty's Government, in perpetuity, and upon the most liberal terms, to such of them as might be willing to cultivate them. The greatest encouragement was to be afforded them in agriculture, manufactures, and commerce. The only two navigable channels through the long ridge of sand-banks extending from the north-west part of the island of Ceylon, to the south-east part of the peninsula of India, and known by the name of 'Adam's Bridge,' were to be deepened so as to admit the passage through them of vessels of a large burden. The immense tank or reservoir of water, called the 'Giant's Tank,' and many other large tanks, were to be repaired at the public expense. An order of merit was to be instituted, in which each member of the settlement might receive a rank and a title according to the quantity of land which he had brought into cultivation, or according to the degree of improvement which he had made in any branch of useful science or useful manufacture. Elementary schools were to be established in the country for the education of their children; a college, with professors in every department of science and literature, was to be founded in the town of Jaffna, for their use and instruction.

"A certain number of the boys who had distinguished themselves the most at the schools were to be annually placed in the college; and a certain number of those who had distinguished

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distinguished themselves the most at the college were to be annually sent to England, and after a short course of education in that country, adapted to the professions for which they were intended, to receive from the British Government in India appointments according to their respective talents or dispositions, either in the army, the navy, the law, the church, or the civil service.

“ I am confident that in such a settlement, situated within twenty miles of the continent of India, near enough to that continent to admit of their constant intercourse with their friends and relations, but far enough from it to be completely removed from the influence of local prejudices, all the East-Indians descended from European fathers would enjoy the most favourable opportunity, under the protection of a free and liberal constitution, and under the immediate care and superintendence of the British Parliament, of developing their moral character, of displaying their capacity to enjoy all the free institutions and privileges of Englishmen, and to discharge, with credit to themselves and benefit to their country, all the duties of the highest departments of Government ; of acquiring themselves, and of communicating to the natives of the country, all the arts, the sciences, and the literature of Europe ; and of gradually but effectually dispelling from the minds of the people of Europe and Asia the unmerited prejudices which, owing to circumstances not under their control, have hitherto prevailed against a numerous class of His Majesty’s subjects, who of all others in Asia are, on account of their European descent, the most naturally and the most especially entitled to the protection and sympathy of the British Parliament and the British nation.

“ I have the honour to be, dear Sir, your faithful servant.

“ *Alex. Johnston.*”

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Sir James Nicolls.

selection exclusively; the senior sepoy upon the roll, of suitable character, is the person generally promoted.

181. Are naicks also promoted to the rank of havildar entire, by selection, or is length of service a preferable claim?—The length of service gives the preference, the candidates being in other respects equal.

182. Is a greater strictness observed in the promotion from havildar to the lowest commissioned rank, that of jemadar, than in the rise to the non-commissioned rank?—I think the selection is wider; the rolls of the havildar being kept by the commanding officer, is, in a great degree, the judge of the respective merits of the candidates. All brought under one focus.

183. Does the jemadar rise by seniority or selection to the higher commissioned rank of subahdar?—They may rise by seniority. But cases of selection are not only admitted, but recommended by the Command-in-chief.

184. How is the selection regulated in regard to the selection of subahdar-major of the regiment?—Whether being the senior officer in the corps, or a man who has distinguished himself upon some occasion.

185. Is the recommendation of the Command-in-chief, through the Adjutant-general, the usual mode?—That of the commanding officer.

186. Is it a Commander-in-chief ever exercise a discretion in appointing him?—I believe, His Majesty's rule of the service is, that in promotion lists all those above the rank of subahdar-major who are recommended by the commanding officer shall be inserted, with the reasons why they are not recommended strictly by seniority. Occasionally the Commander-in-chief may think these reasons not sufficient, and then he exercises his own discretion.

187. Are the present pensions, in respect to promotions, sufficient to attach the native officers permanently to the service?—I think they are; yet I should be glad to see the pay of the jemadar still further increased.

188. Have the subahdars been more active in their duties since there has been the distinction of subahdar-major?—I think the establishment of that rank must have such effect.

189. Can you suggest any other arrangements for the promotion of the officers, and of thereby stimulating their exertions?—There are some commands in Bengal of which they are capable. The establishment of having a subahdar-major to each flank company instead of one to the regiment?—It would be an encouragement undoubtedly; but firm men, for the most part, they are not fit for flank companies.

191. Has it come to your knowledge that native aids-de-camp have been occasionally employed as distinguished officers of the service?—I believe it has been so, but I have not expressed it in Bengal.

192. What would be the effect of a proportion of these, of course, at the option of the individual, being attached to officers holding such commissions?—I think the effect would be very good, and they might be made very useful.

193. Can you suggest any mode by which such an appointment as a permanent arrangement could be rendered unobjectionable, and at the same time gratifying to

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the individuals selected for such a distinguished honour?—A native aid-de-camp might be attached to each general officer on the staff.

194. Has it been customary at some of the Presidencies to reward distinguished native officers by appointing them to killed, or granting them an allowance for palanquin?—I understand the former practice prevails at Bombay; and I know that the latter does at Madras.

195. Are you of opinion that any other mode besides that which has been suggested would tend to the improvement of the service, if the finances admitted of such an extra expenditure?—They are particularly gratified by rewards for their services; and I should be glad to see a portion of the distinctions conferred at Madras extended to Bengal.

196. Do you think that the regulation in the King's service increasing the pay of a soldier in proportion to his length of service, combined with variety and advantage, be extended to the native soldier in India, by making increments at certain specified periods of service increasing the allowance beyond that rates?—I think it might be an advantage to do so; and the increase received by the senior sepoy would in some degree qualify their disbursements when they were not promoted; I think it very necessary even now upon

197. Does desertion frequently take place on a native recruit from the Upper to the Lower Provinces of Bengal?—I believe always; it has been taken place to a very alarming extent. The climate is different from that of the sepoy of Hindostan. The pay is smaller, and his food is inferior.

198. Do you think that by increasing the pay of a sepoy in proportion to the length of service would operate against the tendency of desertion?—I think it would; the Hindoo sepoy is all great calculators.

199. Are you of opinion that the existing scale of allowance to native commissioned and non-commissioned officers is susceptible of improvement?—I have already said I think the pay of a jemadar would admit of a small increase; and the naick, as doing more duty than any other man, may perhaps deserve an increase also.

200. What are the arrangements by which saddles, appointments are supplied and kept in repair in the Presidency of By which and troop contracts; arrangements by which the captain or man may perhaps receive a stipulated sum for each horse.

201. What is the amount of the contracts for repairs to these articles?—That I do not remember. It is in all cases, therefore, relying upon them, they are not in my head.

202. What is the nature of the contract with respect to the articles?—I cannot separate them into distinct provisions; the contract includes all.

203. What arrangements are made to ascertain whether the articles are sufficient for the supply to be kept in repair?—Periodical commissions are made for the purpose.

204. Could you say how often?—Quarterly, and always when a troop passes from the hands of one officer to another. The commanding officer generally performs the former duty himself.

205. What

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205. What are the arrangements at Bengal for providing horses for the remount?—A considerable portion is supplied by the Honourable Company's stud establishment, and the others are purchased from native dealers.

206. Which do you think the preferable mode?—As to physical power, I think the high cast northern horse purchased from the dealers superior; but the others are more tractable and less vicious.

207. In some parts of India I believe there is no stabling for the horses; stabling is not used for the horses?—It is not used at Madras or Bombay; but it has throughout been in use in Bengal, the stations of Nusserabad and Mhow excepted.

208. Is the stein is the mortality greatest, in or out of stable?—I have not experience to answer the question; it is a matter of dispute even amongst the cavalry officers.

209. Are the duties of the general's staff the same at Bengal as those of a similar appointment in the British army in other parts of the world?—Very nearly so; I think the officers have a great deal more to do than in any other part of the world I am acquainted with; his correspondence is greater, and the force entrusted to him much larger. I had, at Meerut, 28,000 men under my own command.

210. Do the duties of the staff at Bengal essentially differ from those at Madras and Bombay?—The duties of the general officer at Madras are of a wider nature than those at Bengal; every detail of the service passing through him; as, for instance, he is transferred or discharged without the communication passing through the general officer and the staff of the district. I am not qualified to speak of Bombay.

211. Do the duties of the Adjutant's and Quartermaster-general's departments at Bengal differ from those at Madras?—The duties at Madras are, as I have already said, more numerous in the Adjutant-general's department; the Quartermaster-general's establishment is entirely different; he has an efficient superintendence of quarters, of camp equipment, and many other things not confined to the Quartermaster-general's department in Bengal.

212. Is there any special rule of promotion in the department of the general staff at Bengal?—The junior officers are promoted by seniority, the senior officers by selection.

213. Do you think a restriction in regard to such appointments would be a very good rule; many an officer being well qualified to do duty who has not the capacity to do justice to one of a more extensive command?

214. What is the practice in India in indenting upon England for military stores?—It is a matter of the Military Board, I believe under instructions from the Government.

215. What articles, in your opinion, be supplied with the greatest advantage from England or in India?—All kinds of clothing and saddlery made and prepared in Europe are superior. The small stores are prepared with advantage at the different arsenals, at a much lower cost than they could be sent from Europe; they are not so durable as European articles, but they are cheaper, and employ the people of the country.

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216. Are the tents supplied to the troops of the three Presidencies of a similar construction?—No, I believe there are three patterns; each Presidency has its own pattern; I might say more than I believe so, I know it to be so.

217. Which description of tent do you prefer?—I am best acquainted with the Bengal, which I know answers its purpose very well.

218. Would it be advantageous to the public service that the tents should be of an uniform description throughout the three Presidencies?—I do not know that it would; each being governed probably by the means of conveying them, that is the carriage.

219. Would it not enable a corps of one Presidency to indicate the depot of another if the circumstances of the service should require it?—Certainly, it would be an advantage.

220. Are there any other articles of supply in which it would be an advantage to the public service that the practice of the three Presidencies should be assimilated?—Certainly; everything connected with the Commissariat should be of the same description and proportion; that ought to be, and should be.

221. What are the duties peculiar to the Indian service?—The duties of a medical officer of an European regiment?—They are more numerous in other parts of the world; their hospitals being in general very full, and they have a double set of voluminous returns to prepare.

222. Do the duties of a surgeon to a native regiment differ from those of a surgeon to an European regiment?—They are essentially the same. In a hospital for 10 in an European corps, they are different in degree. I have seen a regiment of sepoys without one man in a hospital.

223. Is the proportion of medical officers in a native and in an European regiment the same?—No, perfectly different; there is only one medical officer to the native regiment, whereas three are attached to each European regiment, and at times that number is insufficient; each has a sufficient establishment of native assistants.

224. What is the nature of the medical contracts which were formerly held by surgeons and assistant surgeons of an European and native corps?—They furnished what are called country medicines; bedding and cloth, and a given amount for each European, and in native regiments so much per cent for a hundred natives; but these contracts have been abolished.

225. Has the substitution of the specific allowance of a corps been in your opinion generally beneficial?—It has been beneficial, by the supply from the hands of a person who might superintendence in the proper hands. I do not think it has been beneficial.

226. Are the articles formerly supplied by the Commissariat, of a superior quality to those now obtained through the commissariat, of a superior quality?—I should think superior; and certainly in quantity very superior to what the patients formerly received.

227. Are there any arrangements in the King's service, which in your opinion could, with propriety and advantage, be introduced into the Company's service?—I do not know of any. The medical regulations of India are very liberal.

228. There is a Company's regulation, is there not, which requires a specified period of service as superintending surgeon or member of the medical board, in order

order to entitle him to the higher scale of retiring pension?—Yes, I think there is.

229. Will you favour us with your opinion of that regulation?—The medical officers I know think it a hardship that they should not have the same privilege of retiring the day they attain their new rank as field officers of the army have.

230. Do you think it would be advantageous or otherwise to the service if the higher pension could be obtained without such service, and the situation of superintendent surgeon and member of the medical board be filled by selection?—No doubt it would benefit, by bringing forward younger men; more active officers would be trained by selection; but every class in India is so attached to the senior scale, that it would be a very high scale that would induce them to receive it as a boon, rather than as a duty; to receive it as a boon.

231. Are you aware that although it is the usage to promote to the medical board by seniority, there is a power of selection vested in the Government?—I believe so. I never remember it to have been exercised at Bengal.

232. Is it an advantage to the public service in India that there should be a superintendent medical officer, who has also had experience of diseases in other climates?—I think so.

233. Do you think that previous service in India, as well as in other quarters of the world, is a qualification that should weigh in selecting for the appointment of inspectors of His Majesty's hospitals in India?—I do not think it indispensable.

234. In what way could the duties of His Majesty's inspectors of hospitals of the King's troops be regulated so as to prevent collision between them and the superintending medical officers of the Company's service?—I am not qualified to say.

235. What are the particular services which have been performed by the inspectors of hospitals of the King's regiments in India since their appointment, and in what respects may the medical practice of the two services have been improved by their introduction?—A more accurate registry is kept of the cases and their particular treatment, which has no doubt led to an improved practice; and, I think, the registration of cases has been extended to the Company's service since it has been introduced into the King's.

236. Has it not been usual to regulate batta to European officers according to the distance from the coast, on the ground that one of the greatest expenses to them were supplies from Europe?—In Bengal, until 1828, all the batta was on the coast, with the exception of Allahabad and Fort William.

237. Are you aware that the families of native commissioned officers are often left in great distress from the pay of those officers not enabling them to make a proper provision?—I am not aware of that fact in Bengal. In truth we know nothing of their families; but a subahdar ought to be able from his revenue to realize something considerable monthly.

238. Have not the native commissioned officers of Bengal a dislike to put their sons into the ranks as sepoy; and do not these sons generally grow up idlers?—I think they do not like to enlist them as sepoy; but in general they assist in the cultivation of their lands; the lands belonging to the family.

239. Would not a regulation which, without giving any prior claim to promotion to sons of native officers, gave them a trifle of increased monthly allowance and

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an exemption, except in very extreme cases, from corporal punishments, be an encouragement to native commissioned officers to place their sons in the ranks?—Yes, I think it would.

240. If a widow's fund could be established by the native commissioned officers for their families, and they were agreed upon the amount of the subscription, as well as upon the principles upon which it should be applied; do you think it would merit the encouragement of Government, as tending to increase the respectability of native officers, and consequently to elevate their condition, which increased their attachment to the service?—I do not think that such a subscription is called for in Bengal; nor would it be an easy matter to get the penurious Hindoo to agree with the extravagant Musselman as to the amount of such subscription; moreover, natives of high caste have a particular dislike to any inquiry being made whatever into the circumstances of their families.

241. You have said that it would be an advantage to have the Ordnance departments formed upon the same principles that the troops of which it not be an equal advantage to armies; the troops of which upon to act together, to have the same system of commissariat. My former answer I alluded to the Ordnance supplies, they being suited to other; that is to say, the same calibre, not to the department; but there no doubt that when troops meet on service it would be found of very great advantage to have all their establishments similar.

242. Is the rejection of sepoys from all the other provinces in Bengal except Behar and Oude, founded on physical or moral considerations, or of both?—They are not. The natives of the other north-west provinces are not rejected, but they have a disinclination to enter our service; in physical force they are quite equal to those of the provinces mentioned.

243. Does a similar selection of some provinces and rejection of others prevail in the Presidencies of Madras and Bombay?—Not to my knowledge; they are taken indiscriminately.

244. In the provinces from which sepoys are taken, are they taken indiscriminately from all the inhabitants, or only from particular castes?—The higher castes are preferred, but there is no absolute rejection of a fine suit.

245. Is there any difficulty in procuring a sufficient number of recruits or has there ever been any at the time when the native army has been extended beyond their usual force?—I never remember the smallest difficulty.

246. Will you describe how the recruiting service is carried on in Bengal?—When a large number is to be raised at once, such as in the provinces, Behar and Oude, but generally recruits are obtained at the head quarters. Recruits, relatives of the sepoys, are obtainable from the adjoining country. If they want a few men, the commanding officer, when the men go home on leave or furlough, says, "bring back your relations; that is the manner in which the recruiting is carried on."

247. Do you think that the half-castes ought to be admitted into either the Company's native or European regiments as rank and file men?—I see no objection to their being allowed to enter into either branch of the service; but their services are more highly rated and better paid in many other lines.

248. To

248. To what rank in either service do you think they might, with benefit to the State, be permitted to rise?—I think there is so strong a prejudice against them on the part of the natives, it is better that they should not be admitted into the rank of officers; it is better to keep them distinct in the regular army.

249. Is military flogging practised in the native army in India?—In Bengal it has been abolished, except for three or four specified crimes; and the rule of the service is, that when a lash has been inflicted upon a sepoy, he is *ipso facto* discharged from that time.

250. What are those crimes?—Military insubordination in all its branches, desertion, and theft.

251. What punishment inflicted with or without court martial?—Always by court martial, and sentence cannot be executed without the consent of the general officer commanding the division. That is, it goes through very much greater form than it does in the regular army.

252. Is it a common crime in the native army in Bengal?—No; of three years' service I had three instances in the whole time, and two in those were from immoderate use of opium.

253. Have the native troops an objection to serve in one part of India rather than in another?—The sepoys of the Bengal army have a noted aversion to extend their service to any great distance from their homes; they thereby lose the advantage of their furloughs and the communication with their families, which they think essential; the stations at Mhow, Saugur, and Neemuch are therefore much disliked.

254. Are they in fact moved to any part of India?—Not further than I have specified; these are the extreme stations.

255. Is it an object of ambition with an officer of rank and character to command a native regiment?—On service I think it is, but at other times they would rather be in the enjoyment of a lucrative staff appointment.

256. Is the situation in consideration of native officers in the regiments such as to procure for them a proper degree of respect from officers and men?—I think it is; but every man has his own separate character; money gives them weight in India in the eyes of the natives, and if there is a little deficiency in character it is made up by their having a good income.

257. It is thought improper to appoint native officers to situations of high military command; is it not be advisable to appoint them to advantageous civil appointments for good conduct?—I should be glad to see them appointed to such situations, but they are in general occupied by persons who have been brought up from the lowest stages; they would expect to come in at the top of the scale from their age and rank.

258. Do the native troops carry their families about with them?—The Bengal sepoys do not; the Madras do, in considerable numbers; by families, I mean infants and women and children.

259. May he not assign part of his pay to his family when absent?—Yes; family remittances are frequent.

260. How far does interest from Europe prevail over the just claims of deserving officers serving in India?—A good introduction may be a useful thing in India as elsewhere;

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elsewhere; but I think the officers of the Bengal army in general are selected for their merit and qualities, and by no means from such recommendations.

261. Have you observed any change in that respect since you first went to India; I mean, has merit become less efficacious than before; have you observed that merit of late years has been less efficacious in procuring promotion, and interest more efficacious than formerly?—I am not aware of any such change.

Luna, 27^o die Februarii, 1832.

The Right Hon. Sir JOHN BYNG, in the chair;

Major-General Sir THOMAS REYNELL, called in.

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Sir Thomas Reynell.

263. How long have you served in India, and in what capacity?—I served in India on the Madras establishment from February 1805 until October 1807, on the Staff, as an Aid de-camp and as Military Secretary, acting for a short time as Deputy Adjutant-general of the King's troops, and as Deputy Quarter-master-general of the King's troops in India. I landed again in India in the beginning of the year 1822, and I left India in the beginning of the year 1828; during the whole of the latter period I was Major-general upon the Staff, and commanding the Meerut or north-west division.

264. What is your opinion of the discipline, spirit and efficiency of the native army, both of Bengal and Madras?—I almost fear to give an opinion of the Madras, it is such a long time since I served there; great alterations have taken place since that period.

265. The discipline, spirit, and efficiency?—With respect to the discipline of the native army of Bengal, I think it extraordinary, considering the difficulties they have to contend with in instruction; at the same time it is to a certain degree imperfect, because that which the sepoys learn so soon evaporates, if I may use the word. Regimentally, one sees a battalion exercise in an extraordinary manner, when you come to manœuvre in large bodies the sepoys act under great disadvantage of knowing little themselves perfectly, and but ill understand the orders that are given in a foreign language; but a good deal of this may be remedied by the activity and exertions of good commanding and other officers. The general state of discipline I think good; they are subordinate; they are patient, and they are certainly obedient to their orders. I consider them to be animated by a good spirit, and I have had a good opportunity of witnessing it in the late service at the Bhurtpore. There I have seen them in the trenches, working at very laborious employments, and, I believe, contrary to their own religious feelings. I think that some disinclination to work in this manner appeared at first; but when it was explained to be a military duty they performed it with good will. I consider them, generally speaking, an efficient army, the Bengal army.

266. Have

266. Have you observed any difference in the work between the sepoys from different districts in the same presidency?—Yes, I think I have.

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267. Have you observed any difference in the work between different sepoys of the same presidency?—I should say the Oude men generally were the best soldiers.

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268. Do you think that the native soldiers are in general satisfied with their respective conditions, and well affected to their employers?—I certainly do.

269.* Is the military service of the Company popular with the natives?—I think it popular with the natives, inasmuch as they look forward, in the course of time, to deriving a solid benefit from it by promotion, or by some provision in retiring.

270. What are the habits of the native soldier; is he orderly and easily managed?—I think his habits are very orderly, and I think they are very easily managed.

271. How as compared with the European soldier; I mean, as to order and being exact?—I think he is much more orderly than European soldiers in general, in the circumstance of his not being so given to drink.

272. What are the feelings of the native soldier towards his European officer?—I think that depends in a great measure upon the conduct of the European officer to him.

273. Was any change observable, in this respect, during your command?—None whatever, that is, individually speaking.

274. What are the pay and allowance of the sepoys in the presidency of Bengal?—I do not exactly know; I believe it is different according to their service; from five rupees to seven rupees a month, I think it is, as well as I recollect it. No accounts are kept in ledgers with the sepoys, as in the King's service; they are paid their money monthly, in the manner that domestics are paid in that country.

275. How is their rate of pay as compared with the price of labour in the country?—It is to the advantage of the soldier, I think; rather to the advantage of the soldier.

276. Is there any difference in the several provinces of Bengal?—No, I believe none. Do you mean point of expense?

277. No, the pay?—No, I believe not.

278. And comparison with labour?—No, I believe not.

279. What respects do the accommodations, equipments, or allowances of the sepoy in the field, or in cantonment, differ from those of the European soldiers of the Company's service in India or in other parts of the world?—The allowances differ in his pay, there is a difference in pay, and a difference in food, and a difference in provisions; for instance, the sepoy makes his own hut, whereas the European is lodged with a barrack in the cantonment. There is some difference; I believe the King's troops have a small allowance more; there are differences of allowance certainly, greater allowances; the officers have advantages. I have it by recollection, that in the various ranks there is an allowance of batta, which adds considerably to the income of officers serving in India.

280. Is the difference in the pay and allowance of the native soldiers in the different presidencies matter of complaint or discontent?—I never heard that it was.

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281. Should you think it important to equalize them?—I certainly should, as far as it could be done consistently with the peculiarities of each presidency; and I consider that great benefit has arisen from the arrangements that have taken place lately to put the three presidencies as much upon the same system of payment as possible, and I believe that it has taken place to a very great extent.

282. Do you think it necessary that an European officer of an Indian corps should be trained up with them through the different steps of promotion?—I certainly do, because it gives him the great advantage of becoming acquainted with the same native soldiers; in short, of knowing and being known, which I consider of very great importance for the good of the service.

283. Do the officers live much among the men?—I think not.

284. Do they more or less so than in European regiments?—Certainly less so.

285. Do you think the native officers are sufficiently encouraged?—I think not; but great encouragement was given, as far as possible, by Lord Combermere to the native officers; and the European officers were exhorted to be conciliating in their manners and communications with them.

286. Is there any additional encouragement that you would recommend?—None, further than what might be dictated by good sense and the necessity of keeping up an intercourse between the officers, between the native and European officers of the same regiments.

287. To what rank of officers can natives be raised?—To the rank of subahdar-major.

288. Might they with advantage be admitted to higher rank?—I cannot see any advantage that would arise from it.

289. The rule as to batta is not the same in all the presidencies?—I believe it has been assimilated as much as possible in latter years.

290. You cannot speak as to any particular distinction?—No.

291. In what way do the different branches of the Company's or King's army come under the half-batta regulation in Bengal?—I can only speak from recollection in the instances of a few particular stations, five I think there are. Fort William has always been a half-batta station, I believe.

292. Do you think the pay and allowance of the Company's European officers are sufficient in the several ranks in Bengal?—I think them sufficient, but not more than sufficient.

293. In Bengal are the habits of expense excessive in the officers?—I should say not.

294. Is there any difference of late years in that respect?—I should say they were more expensive formerly.

295. Are they more expensive in Bengal than at Madras?—I should say not; I should say not, from what I hear and from what I have learned.

296. What is your opinion as to establishing different rates of allowance in the field and in cantonment?—I think it beneficial, inasmuch as that the expense in the field is so much greater, from various contingencies.

297. How long has the practice of equal allowance in peace and war prevailed in Bengal?—I really cannot recollect; I think it was since Lord Wellesley's time, certainly.

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298. Do you know for what reason that arrangement was made?—With a view to decrease the public expense.

299. What effect has it produced on the spirit and efficiency of the army?—I should think not a bad effect, neither one or the other.

300. Are the European officers of the Company's service satisfied with their condition?—When I had an opportunity of seeing them they were perfectly satisfied; but I understand since that some orders have been issued that have rendered them very much dissatisfied.

301. Do they possess many advantages peculiar to that service?—They do; but they are counterbalanced by many disadvantages, such as climate, unavoidable expense of living, &c.

302. Are not some of those advantages of very recent date?—Not that I know of.

303. What is the effect of the relative condition of the two services, with respect to the regulation of the promotion of His Majesty's and the Company's officers?—I know, it is satisfactory; every thing has been done to put them as nearly on a level as possible within late years.

304. Which of the two classes of officers are relatively more advanced in their promotion, in the ranks of field officer, captain, and subaltern?—I should think they would be found pretty much the same, with the exception of the advantage the King's officers have to advance themselves by purchase.

305. Do field officers of the King's or Company's service obtain the greater number of divisional or stational commands?—The advantage is with the Company's certainly, from the circumstance of their having so few officers in proportion in the very high ranks.

306. Are officers of the King's service eligible to hold such appointments on the general staff as those of Brigade Major, Adjutant-general or Assistant Adjutant-general of the division or station at which his regiment may be serving?—He is not.

307. How far, in your opinion, would it be equitable that he should be so?—I should think, according to the proportion of the number of the King's regiments in India.

308. Would it, in your opinion, be advantageous to the two services if the army of the Company were to be made a King's army?—I should think so.

309. What principle could such a transfer be made?—By the Indian army being the King's colonial army.

310. Would you in that case unite the three armies, as has sometimes been suggested?—I think not. I would have them separately; the colonial Madras army, the colonial Bombay army, and the colonial Bombay army.

311. Does the command-money, of 400 rupees per month, to an officer in command of a regiment, operate as an inducement to good officers to remain with their commands rather than seek employment on the general's staff?—I should think it does, because there are so few staff situations that would place him in a more lucrative position.

312. Is there a rule from the Court of Directors, requiring that only a certain proportion of officers should be absent from their regiments on the staff at one time?—There is.

27 February 1832. 313. Has it been efficacious in equalizing the number of officers available for duty in their corps?—I believe it has. It is but of recent date.

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Sir Thomas Reynell. 314. Do you think that the rule, strictly adhered to, limits too much the selection of suitable officers for staff employ?—I think not.

315. Would the formation of a certain number of skeleton corps, with the view of substituting an officer of a skeleton corps in the place of a staff absentee, be a more eligible mode of obtaining the required number of officers with their regiments?—I certainly think it would be a good arrangement, inasmuch as it would tend to the efficiency of the corps.

316. As that would make a difference in the promotion, it would be requisite that the officer who leaves the corps should be entitled to general promotion beyond the one who is next in succession in the regiment?—To general promotion, that is fair enough, but not to regimental; the one from the skeleton corps would come in junior in the rank.

317. The officer going out should be entitled to general promotion on the date of his commission?—Certainly.

318. Supposing that promotion could in any way be equalized, the first introduction of such a plan, do you think that the irregularities of promotion which would be occasioned by it would be an objection?—I think it would be a very great disadvantage, the irregularities would; at the same time it would be optional to officers to accept the staff situation or not.

319. When troops are in the field, and brigaded, are not the King's officers equally eligible with the Company's to the brigade staff?—They are.

320. You have given your opinion that staff situations should be proportionably given to the King's and the Company's officers when not in the field: do you think that the officers of His Majesty's service should be employed on general or other staff, without reference to their period of service in India, and a knowledge of the native languages?—Certainly not. The choice of the King's officers to staff situations should be regulated by the period they have been in India, and by their known acquaintance with Indian habits, and with the language.

321. What is the proportion of corps on full and half batta, and on full and half tentage, at the presidency of Bengal?—I should think an eighth of the army on half, and the rest on full. I cannot correctly say.

322. Are the stations in the Lower Provinces of Bengal more expensive compared with those of the Upper Provinces?—I think not. I should think as in favour of the Lower Provinces.

323. Do you suppose that the expenses to which an officer is necessarily exposed, are greater or less at Bengal than at Madras or Bombay?—I should think not; as far as I know, I should say not.

324. Which presidency do you consider the least expensive to an European officer?—I really cannot say; I suppose they are pretty much alike. It depends upon the individuals pretty much.

325. Before the stations in the Lower Provinces of Bengal were reduced to half batta, with house-rent, the officers were generally, I conclude, in the receipt of full batta?—They were, I believe, with the exception of those at Fort William, for whom barracks were provided.

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326. And were in the receipt of the same allowances in garrison or cantonment as in the field?—Yes, because they were always considered to be ready for the field.

327. Has it been in your knowledge, that officers called upon suddenly to take the field, have not been provided with adequate funds to meet the requisite expenses of marching, saved from the spare rate of allowance?—It has not.

328. Do subalterns generally live up to the actual allowance when on full, as well as on half batta with house-rent?—I should think the instances of those who do not are very rare.

329. If in receipt of higher allowance, would they be likely to save with a view to a furlough to Europe or eventual retirement?—Perhaps some few would, but I should think the generality would not.

330. Would any equalization between the full and the half batta be desirable; that is, taking from one and adding to the other?—I should think it would. It would be very little felt, I should think.

331. Are the officers in the receipt of full tent allowance always provided with the requisite camp equipage and equipments?—They usually have their camp equipage, and are supposed to have baggage animals.

332. How often and in what manner are the tents and equipments of European officers mustered and examined, in order to ascertain that they are in good and efficient order?—I believe that that is rarely; he usually has his camp equipment, and the carriage animals are so easily hired, you never press an officer to have them unless he actually requires them. The allowance is given for providing him with quarters; the allowance is meant to meet the expense of providing him with a house, which he is obliged to do on arriving at his station.

333. Be so good as to state any observation that may occur to you in regard to the system of Indian tentage, not comprised in your answers to the preceding queries?—Every officer is invariably provided with tents; and as animals can always at least as far as my own station went, be procured for hire at the moment, I do not think there is any necessity for altering the system that prevails.

334. Do officers in the Company's service prefer service with a native to an European corps?—They do.

335. Is it customary for European officers, on their first arrival in India, to serve with an European corps before they are attached to a native regiment?—I believe not.

336. Might it not be desirable that they should do so?—Certainly very desirable.

337. May I ask what measures are taken to impress upon the minds of young officers the importance of respecting the prejudices of the native soldiers?—I should imagine that that depends entirely upon the feeling, and the capacity I may say, of the officer under whose command he is placed; or rather, the good sense.

338. What has been the effect of granting the brevet rank of captain to the subalterns of the King's and the Company's service of 15 years' standing, on the relative condition of the two services?—The effect is felt very triflingly, except at courts martial and garrison duties.

339. Is the measure of equal advantage to a King's as to a Company's officer?—Certainly; and I will add, of very little advantage to either, except the gratification that an old subaltern feels from being called captain.

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340. Is there, in your opinion, any objection to the grant of the brevet rank of lieutenant-colonel and of major respectively, to officers in the Company's service holding the situation of adjutant-general, quartermaster-general, and of deputy in each, as in His Majesty's service, if at the time of their appointment they had not that rank?—I should rather object to it.

341. May I ask why?—From the nature of their service.

342. They have a temporary rank?—A temporary official rank, superior to their army rank.

343. Do you think it advantageous or otherwise that there should be one Commander-in-chief for the three armies, and a commander of the forces to manage the details of each presidency?—I should think not, from the circumstance of the immensity of detail into which that chief would have to go.

344. Is it, in your opinion, of importance that an officer holding the situation of Commander-in-chief in India should previously have served in that country?—I think so; I think it would be of great advantage to the chief himself, as well as to the service generally.

345. In like manner, what period of service in India would it be desirable that a general officer on the staff of His Majesty's army should have passed before he is appointed to such command?—I should say from five or six years would be quite sufficient. In five or six years he would gain that general knowledge of India and Indian circumstances that would enable him to perform the duty.

346. You would apply the same to an officer holding the situation of adjutant or quartermaster-general of the King's forces in India?—I think not. It might be desirable, but not so necessary.

347. Have officers of the Company's service been in command of the army in India?—No, not that I know of. They have commanded in the presidencies temporarily.

348. Is there any and what difficulty in the reduction of the cavalry and infantry of the Company's service by whole regiments?—None that I know of. The officers are usually seconded on the other regiments, and the men transferred to corps to make up the deficiency; the rest is disbanded.

349. Has any such reduction of regular regiments of cavalry or infantry come under your knowledge since the introduction of regimental promotion in 1796?—None.

350. Is service in India more or less advantageous than service in His Majesty's colonies in which you may have served?—I think it is more so in the higher ranks, but not to the lower.

351. I think you have not served regimentally in India?—I have not.

352. Has any discontent been expressed by officers or men on removal from a presidency at which the allowances were relatively higher, to another at which they were less?—Not within my knowledge.

353. Do you think that these differences are of sufficient importance to call for the adoption of a general measure which would put the three armies on precisely the same footing?—I certainly think that the three armies should be put on as nearly a similar footing as it possibly could be done. Every shade of difference should be got rid of that could be possibly effected.

354. Do

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354. Do His Majesty's officers when in command of a division or station, being of a superior *army*, but inferior regimental rank to the Company's officers, experience any difference in the amount of remuneration attached to such command?—I think not. He gets whatever is allotted to the station he commands.

355. Do the Company's officers in general avail themselves of the privilege of a furlough to Europe on the pay of their rank, for three years, after completing an actual service in India?—I should say not, unless they have some strong motive for it.

356. Do you know what prevents them?—Their want of means.

357. Have you observed in officers who have been on furlough to Europe a strong disinclination to return?—Certainly not.

358. Do you think that the effect of the furlough regulation, when officers have availed themselves of it, has been an inducement to them to save up with a view to their eventual retirement on full pay, when they have served the required period of 22 years?—^{the} I should doubt it.

359. Do you usually like to complete their 22 years without the intermediate break of a three years' furlough in Europe?—I should think so, if by chance they are in good situations in India; that is, hold lucrative situations.

360. Do officers in general avail themselves of the retiring regulation?—A good proportion do; I would not say a great proportion, but a proportion do.

361. You do not mean to say half?—No, certainly not. A proportion do; but not so many as remain to serve.

362. What is your opinion of the command-money arrangement, which prevents a colonel in receipt of off-reckonings, when in command of his regiment, from drawing at the same time the allowance attached to such command?—I was not aware that such was the case.

363. There being a regulation that prevents a colonel in the receipt of off-reckoning from receiving the command money of 400 rupees per month, what is your opinion of that regulation for the public service?—I think it is a wise regulation.

364. What are the rules in force in regard to the repairs of arms and accoutrements in the King's and Company's service?—In the King's service they remain the same as in every other part of the world, I think; and the Company's are repaired at the regiment, by the armourer also.

365. That were not an allowance to officers commanding companies, for that purpose?—There is.

366. Are the repairs more serviceably performed regimentally than at the general magazine?—I should think not.

367. What are the rules at Bengal in regard to the victualling of the European soldier?—He is victualled by contract; a certain sum is stopped for his ration; the supply of meat is by contract; butchers supply and bakers supply the regiments with meat and bread. Nothing can be better than the supply of meat and bread to Europeans in India; the whole time I commanded at Meerut I never recollect a complaint coming to me about meat or bread.

368. Then you naturally prefer that arrangement to the soldiers supplying themselves?—Certainly. They could not supply themselves.

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369. Is the practice of inebriety more or less frequent among the European soldiers than formerly?—The canteen was not established in my time, and therefore I cannot speak to that.

370. What has been the effect of soldiers' libraries which have been sent out by the Company for their use?—I fear that they are not so much frequented by the soldiers as we could wish. I found very few of them went to the library. I first established it at Meerut, and I found it very little frequented by the soldiers.

371. What other methods are resorted to for diverting the minds of the soldiers when not on duty and shut up in their barracks?—None that I can mention, except by libraries within themselves, from whence books are lent; they are not lent books from the general libraries: in some regiments they had libraries of their own, and the men read on their beds. There was nothing else to resort to for amusement in the barracks, nothing that I ever heard of.

372. Were regimental schools frequently in the corps under your orders?—In all the European corps, and I may add excellent ones, particularly good in the Company's horse-artillery; they had a fine library also.

373. Were they well attended?—Very well attended. I have seen 60 and 70 men of the horse-artillery at the school.

374. Are there not generally public fives' courts established at each station?—Yes, there are.

375. The half-caste children of European soldiers, as well as the children of European women, are taught in some school, are they not?—They are, invariably.

376. Does the clergyman of the station visit these schools, and exercise any degree of superintendence over them?—He does, constantly.

377. At what age are these children removed to the orphan-school at the presidency to which they belong?—I do not exactly recollect; I believe it is only done with vacancies; it is not done generally.

378. In what manner are the children of European soldiers employed when they have left the orphan-school, and are too old to attend the regimental one?—There is no employment for them, except becoming drummers in the native regiments.

379. Are any of the half-caste descendants of European soldiers ever enlisted into an European regiment?—Sometimes as drummers; but rarely.

380. Is the half-caste population in the neighbourhood of an European cantonment generally considerable?—In the neighbourhood of the cantonment where I resided it was very inconsiderable.

381. Is it more or less on the increase?—I should think not on the increase.

382. Are many of the sons of European soldiers by European mothers, when of a proper age, enlisted into the regiments of the King's or the Company's service?—Usually into their own regiments, I think.

383. When a King's regiment is ordered to England, do the soldiers generally prefer volunteering into another that has to remain?—They do.

384. Are they permitted so to do?—Such has been the rule of the service hitherto.

385. In point of expense it is advantageous, is it not?—Undoubtedly.

386. What are the duties of sergeants-major and quartermaster-sergeants of a native corps?—Generally, I think, superintending the drill.

387. Are

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387. Are those two persons much in communication with the natives, or the contrary?—They are certainly in communication with the natives a good deal; at least as much as their language will permit of.

388. Has it happened that they have acquired earlier intelligence of the dissatisfaction of the corps than the European commissioned officers?—Not that I ever heard of.

389. In the absence of European commissioned officers, would the command of a native corps devolve upon the senior European non-commissioned officer, or the senior native commissioned officer?—I should say the senior native commissioned officer.

390. Is the relative situation of an European non-commissioned officer in a native corps preferable to that of a non-commissioned officer in an European corps?—I think not.

391. Are they sufficient to make it preferable for men of good character to seek such employment in a native corps as sergeant-major or quartermaster-sergeant?—Certainly.

392. Have difficulties ever been experienced in obtaining suitable men for the situation of sergeant-major and quartermaster-sergeant of a native corps?—None whatever, that I know of.

393. Do sergeants in an European regiment volunteer to the situations of sergeant-major and quartermaster-sergeant in native corps?—They do sometimes; but the appointment is usually to a deserving intelligent private, I think.

394. Are there at present as many European non-commissioned officers with a native corps as is desirable, or could their service, in your opinion, be altogether dispensed with?—I think there are quite sufficient of them; and I do not think their services could well be dispensed with.

395. What, in your opinion, is the number of European officers, including the command and staff of the corps, which you think are requisite to be present with a regiment of cavalry of eight troops?—I think it would be desirable to have two thirds.

396. Two thirds besides the commandant and the staff?—Yes.

397. The same with a regiment of infantry?—And the same with a regiment of infantry if it could be.

398. What number of European officers do you think requisite for a troop of native foot-artillery of six pieces?—I should think four; that is, to make allowance for those who are away from casualties.

399. Either when serving with a brigade, or detached on separate command?—Serving with a brigade, perhaps less might do; but to belong to the troop I would have four.

400. Present?—No, I should think three.

401. An establishment of four, with three present?—Yes.

402. The same with respect to a company of native foot-artillery of six pieces?—I should think the same; yes.

403. What are the duties respectively discharged by the European and native officers of a troop or company?—The native officers do a great deal of the internal duty of the company, and the European officers in the field and on duty.

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Major-Gen.

Sir Thomas Reynell.

Sir Thomas Reynell.

408. By whom is the money conveyed from the European officer to the trooper or soldier?—By the havildar; from the European officer to the pay-havildar of the troop or company.

409. Does the European officer of a troop or company investigate the complaints of the men under his charge previous to their being laid before the commanding officer of the corps?—He is expected so to do.

410. How often and at what particular times are such complaints inquired into and decided by the commanding officer?—That I cannot answer; it depends entirely upon the arrangement of the commanding officer; differently in different regiments.

Jovis, 1^o die Martii, 1832.

The Right Hon. Sir JOHN BYNG, in the Chair.

Major-General Sir THOMAS REYNELL, again called in and examined.

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Major-Gen.

Sir Thomas Kynell.

411. WHAT duties are generally discharged by the adjutant of the regiment: it is an European adjutant to the native corps, is it not?—It is an European adjutant.

412. What duties are generally discharged by the European adjutant of a native regiment?—He superintends the drill; he parades and inspects all ^{squad}_s and commands, receives and issues orders, and in fact performs duties as ^{nearly}_{as} similar to those of an adjutant of an European regiment as possible.

413. Does he personally communicate with the men, or through the medium of native officers of his troop or company?—I should think, through the native officers: there may be times when he communicates direct with the men, according as he is familiar or otherwise with the native language. I believe the regular thing is through the native officer.

414. What are the particular duties assigned to a quartermaster and interpreter of a native regiment?—The duties are united in one person : he has the whole of the camp equipments, and what we call the regimental establishment, under his care. As quartermaster he has the charge of and superintends the camp equipments and establishment, and all the duties with regard to ammunition, and every

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duty that a quartermaster of an European regiment has to perform; and at courts martial or courts of inquiry he acts as an interpreter.

415. Are these duties sufficiently extensive to incapacitate him from taking the command of a troop or company also?—I should think so.

416. Does the appointment act as an inducement to European officers generally to study the native language?—Certainly.

417. Are there any other encouragements requisite, in your opinion, to induce European officers to study the native language?—There is hardly any staff situation to which an officer is eligible that does not in itself hold out to him the encouragement; I mean, incite him to learn the language.

418. Is a preference given to officers who do understand the language?—I should think it a very great motive in the appointment.

419. How many effective officers, including the commandant and regimental staff, are generally present with native regiments?—Within my knowledge it has varied so much, that I really cannot give an answer with any chance of being correct.

420. Do jemadars rise by seniority to the higher rank of subahdar?—Invariably.

421. By seniority?—By seniority; rarely, if ever, by recommendation, except that it may happen from some extraordinary act in the field.

422. What is the rule adopted with regard to the selection of subahdar-major of the regiment?—If with seniority the individual combines other qualities, he probably will receive the appointment from his seniority in the regiment; but I have known instances of the appointment being given without reference to seniority.

423. Is the appointment made on the recommendation of the commanding officer, or does the Commander-in-chief exercise his discretion in appointing a subahdar-major?—Mostly at the recommendation of the commanding officer.

424. Are the present inducements, in respect to promotion, such as to attach the native officers permanently to the service?—They are.

425. Have the subahdars been more active in their duties since the introduction of the distinction of subahdar-major?—It certainly has given fresh excitement to the performance of their duty.

426. Can you suggest to the Committee any mode of quickening the promotion of the native officers?—I really cannot, except by pensioning them at an earlier period than is usually the case.

427. You think the appointment of a subahdar-major to each flank company desirable?—It would be desirable. Anything that would hold out to native officers additional rewards should be done, if it could be effected without any very great expense.

428. Has it come within your knowledge that native officers have been appointed as aides-de-camp to general officers?—Never.

429. What would be your opinion as to such an employment, of course at the option of the individual general officer: I mean in addition to his European one?—It might be desirable, if the general officer spoke the language so well as to be able to profit by intercourse or communication with him.

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430. Has it not been customary at some of the presidencies to reward distinguished native officers by appointing them as killedars of forts, or granting them an allowance for a palanquin?—I do not recollect any being appointed to be killedars of forts. I recollect particularly native officers receiving in reward of service a palanquin and monthly allowance.

431. What proportion may the allowance of a sepoy bear to the wages of labour in that part of India in which you have been serving?—I should think as four to seven. I should think the sepoy has nearly double what the lowest workman or common labourer has.

432. Do you think the regulation of the European service, of increasing the pay of a soldier in proportion to his length of service, could with propriety and advantage be extended to the native soldier in India?—I certainly do.

433. In that case perhaps, in future enlistments, you would lower the commencing rate of pay, and add to it progressively?—No, I do not think that would answer; any arrangement that would lower at once the commencing rate of pay would be objectionable.

434. Does it frequently occur that upon the removal of a native regiment from the Upper to the Lower Provinces of Bengal desertions take place?—Never, to my recollection, to any great extent; but it has happened certainly in some instances, and generally upon leaving places where they had been recruited.

435. Are you of opinion that the existing scale of allowances to native officers and non-commissioned officers is susceptible of any improvement?—Yes, I think so. I think the jemadars have too small a pay in proportion to the subahdars. I think the subahdars are very fairly paid; but the difference between the havildar and the jemadar is not sufficient.

436. What is the nature of the arrangements by which saddlery and horse appointments are supplied and kept in repair, at the presidency of Bengal?—By the allowance to the troop captains.

437. What is the amount of the contract?—I do not exactly recollect what is the amount. I believe it is much the same as is made to a captain of European cavalry.

438. What are the arrangements to ascertain that the articles are efficiently supplied and kept in repair?—By regimental inspection of the commanding officer.

439. How frequent?—I believe monthly.

440. What are the arrangements at Bengal for the provision of horses for the re-mount?—When the annual supply from the several studs does not meet the demand for horses for the artillery, the King's regiments, and the native cavalry, officers are given a latitude of purchasing horses in the country, and a given sum allowed for that purpose.

441. Are the horses obtained from the stud, or the country dealers, of a superior or inferior description?—I prefer the stud horses; but I know a commanding officer of the King's cavalry who for his regiment preferred the horses that he purchased in the country; but I have heard since that by experience he has found that he was wrong.

442. How are the stud horses bred?—I believe there is a difference in the mode adopted at the different studs. At the Haupper stud, near to Meerut, the mares were

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were brought by the peasants or farmers to the stud. They afterwards took back the mare, and when the colt had got to a certain age it was purchased by the stud and trained at the stud until fit for service.

443. Are the cavalry and artillery horses generally in stables or not?—They are generally kept in stables.

444. But not always?—Not always; within my knowledge they were all in cantonment stables. I superintended the building of the stables of the 10th Light Cavalry at Meerut, when that regiment was first embodied.

445. Do you give a preference to their being kept in stables to the other mode?—I certainly do; but there are other officers who think it would be as well to make them rough it; I believe in some parts of India they do so.

446. Are the stud horses bred in sufficient numbers to supply the horse-artillery and European cavalry?—A sufficiency was not bred in India at the time I left, but there was every prospect of a sufficient supply being furnished in a short time from that source, and I should think by this time they are.

447. Had the farmer, who brought the mare to be covered and registered, an option respecting his colt, or was he compelled to give him to the Company at a stated price at a certain age?—To the best of my recollection he is obliged to dispose of the horse to the Company, if required to do so, at a fixed price.

448. Are the staff appointments in India upon the same footing as to duty, and as to emoluments, as in other stations of the British army?—As to duty I think they are, but I should think as to allowances different.

449. Are not the allowances in India more lucrative than those on any other station?—I should say they are.

450. Do the duties in any of the staff departments in India differ from those in any of the other colonies?—In reply to this, it may perhaps be expedient to say that the whole commissariat officers are supplied from the army.

451. Is there any particular rule of promotion in the department of the adjutant-general, quartermaster-general and commissariat, observed?—In the commissariat they rise to different ranks as specified gradually to the top of the list of assistant-commissaries; the two higher appointments of deputy and commissary-general remain for the selection of the Government; and the same applies to the other departments.

452. Do you think any restrictions in regard to the appointment in the general staff to be advisable?—I should think if the arrangement for the commissariat could be altered, it would be advisable, so as not to deprive the army of so many officers; but there are many other considerations that probably would oppose any such arrangements.

453. I would extend the previous question to that of the pay department?—There are so few officers employed in the pay department that I do not think it of any object to make an alteration in the pay department.

454. What are the military stores used in India that are obtained from England?—I believe that most of the military stores are brought out from England, powder however is made in India; the gun-carriages are made in India, but the models for them came from England.

455. What

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455. What articles, in your opinion, can be best supplied from England, and what in India?—Most articles could be best supplied from England, and perhaps wood could be best procured in India.

456. As far as your knowledge goes, are the tents supplied to the troops the same at the three several presidencies?—That I cannot answer, but I should think nearly the same.

457. In the event of their not being so, would you think it advantageous that they should?—Certainly; anything that promotes uniformity I think advantageous.

458. What are the peculiar duties of a surgeon attached to an European corps in India?—The care of his hospital, and also to attend the English gentlemen, both civil and military, and their families, at the station.

459. What are the duties of a surgeon attached to a native corps, and do they differ in any respect from those of a surgeon attached to an European regiment?—Not in the least, except that he has much less duty to perform, and I believe not so many books to keep or reports to make.

460. What is the nature of the medical contracts which were formerly held by surgeons and assistant surgeons of corps, European and native, in India?—The contract, I believe, was nothing more than a certain sum of money, which he received for providing country medicines, according to the number of men that he had under his charge. The chief medicines are generally supplied from the public stores by indents. I have heard that alterations, diminishing the allowance to the medical departments, have taken place since I left India.

461. Are there any arrangements in regard to general officers which, in your opinion, could with advantage be introduced into the service?—It has often occurred to me that the Company's service, generally, would benefit if when an officer obtained the rank of major-general, he was considered eligible to serve on the staff of any of the presidencies.

462. What is your opinion of that part of the Company's regulations which require a service for a specific period as superintending surgeon or member of the medical board, in order to entitle the medical officer to the higher scale of retiring pension?—I think it is a very just arrangement.

463. Would it be desirable or otherwise, in your opinion, that the inspector of hospitals of His Majesty's regiments in India should have a seat at the medical board of the presidency to which he belongs?—I certainly think he should, as belonging to a large portion of the army.

464. Is it of advantage to the public service in India that there should be a superintending medical officer who has also had experience of diseases in other climates?—I think so.

465. Do you think that previous service in India, as well as in other quarters of the world, is a qualification that should have weight in selecting a gentleman for the appointment of inspector of His Majesty's hospitals in India?—Undoubtedly.

466. In what way can the duties of His Majesty's inspectors of hospitals be regulated so as to prevent collision between them and the superintending medical officers of the Company's service?—I cannot take on me to answer that question satisfactorily.

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467. What are the particular services that have been performed by the inspectors of hospitals of His Majesty's regiments in India, since their appointment?—I have had little opportunity of knowing what is the duty of inspector of hospitals, but I believe it is entirely confined to his communication with the surgeons of the different regiments in His Majesty's service, and with the director-general of hospitals at home.

468. In what respect may the medical departments of the two services have been improved by their introduction?—I do not feel myself competent to answer that satisfactorily.

469. On the last day of meeting you said you were of opinion it would be advantageous for the two services if the Company's army was transferred to the King; we want to know on what ground you have formed that opinion?—My reply to that question was apart from any consideration except that which arose from what I conceived would be the benefit to the service generally, from the interests of the army being under one master; how far it would be practicable or even desirable, should the government of India remain as it is, I much doubt.

470. Is there any jealousy between the King's and the Company's troops in India?—There must be something like jealousy. It is impossible that two services constituted as they are, should be there without jealousy; but it is astonishing how little it appears, and how well they manage to go on together.

471. Is there any wish on the part of the Company's troops to be transferred to the King?—My opinion is, it would be generally satisfactory to, perhaps, the younger men; I should doubt whether the old officers would like it.

472. How far would it be practicable to amalgamate the principle of the two services; the principle of seniority prevailing in the one service, and a combined principle of merit, interest, and purchase, in the King's?—In my opinion, even allowing that you were to make it a Royal army, you would be obliged to leave it in regard to promotion pretty much as it is, unless you introduced the advantage of purchase between officers. In fact the armies must remain distinct as they are, though under another denomination.

473. Is the proportion of European officers to native regiments a sufficient one, in your opinion?—I think not; I think they should have at least three officers a company or troop.

474. What, in your opinion, would be a proper proportion of officers to each native regiment, on the present establishment?—I should think at least three field officers, and three officers to each company, exclusive of the regimental staff.

475. In your opinion, that would be sufficient to furnish an ample quantity of effective officers with the regiment, and also a sufficient number to perform the general staff duties of the army?—No, I think not; I mean three officers effective, for the purposes of meeting the temporary casualties occasioned by furlough and sickness. If for all purposes, I would then say four.

476. What is the general strength of native regiments of cavalry?—There used to be 80 a troop, and eight troops: they are reduced now to six troops.

477. You do not mean three field officers to regiments of cavalry?—No; I mean two.

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478. What is the general strength of each troop and company of native regiments?—When I was in India, as well as I recollect, the troops were at 80 each, and the companies were at 100.

479. Is there any general rule by which a certain number of European officers must be present with each native regiment?—Not that I know of.

480. Is it a part of the Company's policy to intermingle Mahomedans and Hindoos in the same regiment?—I do not know whether it is done from policy, but I believe it happens that they are intermingled in all corps.

481. In the local corps?—I cannot exactly answer as to the local corps, but I believe so; and it is, I believe, the better system.

482. If a transfer of the army of India was to take place to the King, do you think the European regiments and artillery at present attached to the Company's army should remain a part of the colonial branch?—I think so, unless it should be found necessary to make a distinct provision for them.

483. Do you not think, that if the European artillery and infantry were separated, and the colonial branch entirely native, that it would be liable to become rather an inferior branch of service, from not having the same prominent duties to perform at a period of war?—Not more than at present.

484. If the army became the King's, is it your opinion that staff situations in India could be filled without limitation as to periods of service in India, and knowledge of the native languages?—Certainly not.

485. Have you known of any difficulty, arising out of the feelings of sepoys, on removing native regiments from one province in India to another?—Not in the least; and it is the custom to march them from one part of the country to another, just as the exigencies of the service require.

486. Are you of opinion that field officers in general, from their age or otherwise, are competent to the active duties of their situation?—I have found some instances where I thought they were not, but not many.

487. The captains of companies, from being younger, are probably more so?—They are very efficient.

Colonel SALMOND, called in and examined.

Colonel *Salmond.*

488. WHAT situation do you hold now?—Military Secretary at the India House.

489. How long have you been in the military service of India?—About 50 years.

490. What situations have you held?—The first staff situation I held, except the regimental staff of adjutant, was that of Military Secretary to Lord Wellesley, and I was afterwards Military Auditor-General of Bengal.

491. Your service has been chiefly confined to the presidency of Bengal?—Chiefly.

492. Are you conversant with the military details of the other presidencies?—I have visited the other presidencies for the special purpose, by Lord Wellesley's direction, of looking into the military finances of the three presidencies.

493. What is your opinion of the discipline, spirit and efficiency of the native army of Bengal, Madras, and Bombay?—I have the very best opinion both of its spirit, efficiency, and discipline.

494. Have

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494. Have you observed any difference in these respects between the sepoys from different districts in the same presidency?—I cannot say I have.

495. Do you think that the native soldiers are in general satisfied with their condition?—I believe perfectly so.

496. And well affected to the service?—Yes.

497. Is the military service of the Company popular with the natives in India?—Yes. There is no want of recruits.

498. What are the habits of the native soldier: is he orderly and easily managed?—Extremely orderly, and very easy of management.

499. What are the feelings of the native soldier towards an European officer?—Generally, I think, those of attachment.

500. Is there any change observable in that respect of later years?—I cannot very well speak to that, it being 30 years since I left India; but I have no reason to believe there is, from the documents I have seen in my official capacity at the India House. I should not suppose there is any falling off in the attachment.

501. What is the pay and allowance of the sepoys in Bengal?—The pay of a sepoy in Bengal is $5\frac{1}{2}$ rupees, and his batta is $1\frac{1}{2}$ rupee, that is seven altogether.

502. Are they the same in the other presidencies?—Not exactly; but the difference is not material. The pay, I think, at Madras and Bombay is seven rupees a month; when they take the field they have an extra batta, what may be called full batta; whereas in Bengal the extra allowance of batta is only an additional half batta: when they are in the field, the others have an advantage over the Bengal sepoys.

503. How are the wages of labour in India, as compared with the subsistence of the sepoys?—A sepoy, I should conceive, receiving seven rupees a month, must receive twice as much as a day labourer, a peasant, the class from which, in Bengal, he is taken. He receives less than many servants in the service of Europeans, but as compared with the peasantry I conceive his wages to be exceedingly good.

504. In addition to his wages, has he not many other advantages?—I do not think he has anything that can be considered of much importance. He has a coat allowed him, but that is deducted from his pay: in time of famine of course he is supported at the expense of the Government. I do not think he has any permanent advantage, beyond the chance of rising to the attainment of rank, and a pension after a service of a great number of years.

505. Is there any difference in that in the different provinces of Bengal, both as to the rate of wages and the allowance to the sepoy?—I should think very trifling.

506. Is there any difference in the pay and allowance of the sepoy in the different provinces, and is it a matter of complaint or discontent?—I have not heard of any discontents, except for a short period, when the Bengal sepoys have perhaps met on conjoint service with troops of another presidency, which lasted no longer than the matter could be made known to the Government, and was then rectified in their being all equalized.

507. From the situation you now hold, you must be perfectly competent to answer the foregoing questions?—I should consider so; I am answering them from documents that I have had an opportunity of seeing.

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508. All documents regarding the army come before you, do they not?—Certainly.

509. Should you think it important to equalize the rate of pay and allowance in each of the three presidencies?—Yes, if it could be done without a very great expense. They were ordered to be equalized by the Court of Directors several years ago, as far as was practicable. The Bengal government, in reply, say they are equalized as far as is thought prudent or necessary. When they meet on service they are always put on the same footing; at other times it is not thought necessary to equalize them more than they are at present.

510. Do you think it necessary that the European officers of native corps should be trained up with the men through the different steps of promotion?—Undoubtedly.

511. Do the European officers live much with the men in native corps?—Not in the sense of entering their huts; they are always encamped immediately in the rear of the native lines, but their intercourse with them is principally confined to parade and matters of discipline.

512. What is the intercourse between European and native officers of the same regiment?—They generally enter into conversation with them after parade, and sometimes attend their entertainments.

513. Do you think the native officers are sufficiently encouraged?—They were in my time; that is 30 years ago.

514. What is the number of native officers to each troop and company?—One subahdar, one jemadar, and four or five havildars, according to the strength of the company; and four or five naicks, according to the strength of the company.

515. To what rank of officers can natives be raised?—Subahdar-major.

516. Could they with advantage be raised to a higher rank?—I should think it hazardous.

517. Were they in your time?—No, not even a subahdar-major in my time.

518. Was there in your time a rank of major or commandant, for the native officer?—No.

519. Is the batta allowance the same in all the presidencies?—It is.

520. Is there not a distinction in the different parts of Bengal?—Yes.

521. To what extent?—Full batta at the outposts and in the field, and half batta in the cantonments.

522. Is the batta allowance in proportion to the different expenses to which officers in different parts are subjected?—Not accurately, but approximately.

523. Could it with advantage be assimilated, by adding to the one and deducting from the other?—I should think not.

524. Why?—Because the expenses are greater in the field and at the outposts, than they are at the large fixed stations on the banks of the river.

525. In what particular stations do the different branches of the Company's or King's army come under the half-batta regulations, in Bengal?—Dinapore, Berham-poor, and the Presidency.

526. Do you think the pay and allowance of the Company's European officers sufficient, in the several ranks in Bengal, Madras, and Bombay?—I thought them so in my time, and I have no reason to think they are otherwise now.

527. In

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527. In the Bengal army are the habits of expense excessive?—Not excessive, but greater than in the other presidencies.

528. What is your opinion of the expediency of establishing different rates of allowance in the field and in the cantons?—I think it is both just and expedient that there should be a difference between the allowance in cantonments and in the field, where the expenses are considerably increased.

529. How long has the practice of equal allowance in peace and war prevailed in Bengal?—It was introduced in the year 1801 or 1802, but there was still an exception of garrisons.

530. For what reason was the arrangement made, for equal allowance in peace and war?—The arrangement was extended only to cantonments at the places I have specified.

531. What was the reason?—It was found upon calculation that it would be a saving to the Government to allow the officers full batta in all the cantonments, rather than keep them on half batta, the Government supplying the barracks.

532. Did it produce any and what effect on the spirit and efficiency of the officers and soldiers?—I am not aware that it made any difference.

533. What was the cause of the exception you alluded to in your former answer, as to garrisons?—In garrisons the State of course continues to supply the quarters, but at the open cantonments the quarters were all sold at low prices to the officers, who from that period found their own houses.

534. From your personal knowledge of India, and from the documents you see in your present situation, have you not reason to think that the European officers have much cause to be satisfied with their condition?—I think they have; though I believe some of them are not satisfied.

535. Do you know of any just cause of dissatisfaction?—No, I do not.

536. Has that partial dissatisfaction been of any and what duration?—Since the promulgation of the orders which gave rise to it, which was in November 1828.

537. Do they not possess many and great advantages peculiar to that service?—Certainly.

538. And some of them of very recent date?—Yes. In the first place they have the rank of colonel regimentally; they have also a grant of brevets for distinguished service in the field. The honours of the Bath have of late years been conferred on many Company's officers; and there has been a greater proportion of field officers to captains and subalterns, by a duplication of colonels, when the battalions were converted into regiments. Command-money has been allowed to officers commanding regiments and battalions. Brigadiers' commands have been augmented both in number and value. A fifth captain has been allowed in every regiment of cavalry and infantry, and in every battalion of engineers and artillery. An interpreter has been allowed in every regiment and battalion. Horse allowance has been granted to field officers of infantry. Six new regiments of native infantry were sanctioned in Bengal, purely out of consideration to the interests of the officers. The rates of retiring and furlough pay have been increased. The off-reckonings have been improved by liberal grants of stoppages, at the Company's

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expense. A retiring fund has lately been sanctioned, to which the Company have given advantages of interest and remittance, and which it is calculated will materially augment the number and expense of pensioned officers at home. Vacancies arising from death and retirement after protracted residence in Europe, have been allowed to be filled up, in all cases, from the expiration of two years from the date of landing in England.

539. What is the relative condition of the two services, meaning the King's and the Company's, as to the rules which regulate the promotion of each army?—In the King's army the officers rise by purchase and selection; in the Company's army they rise to the rank of major regimentally, then in the line: the senior lieutenant-colonel gets the first vacant regiment.

540. In which service does the officer rise quickest to the rank of field officer, setting purchase aside altogether?—I should think the Company's.

541. Do field officers in the King's or the Company's service obtain the greater number of divisional or stational commands, in proportion to the relative numbers, and the establishments to which they belong?—I cannot answer that question, but I will furnish you with an authenticated statement from my office.

Sabbati, 3^o die Martii, 1832.

The Right Hon. Sir JOHN BYNG, in the Chair.

Colonel SALMOND called in and further examined.

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Colonel *Salmond*.

542. CAN you inform the Committee now of the relative difference of commands held by the King's and Company's officers?—I beg leave to give in this statement, and I conceive the proportion to be perfectly fair.

[The Witness delivered in the same, which was read as follows:]

GENERAL STAFF and BRIGADIERS' COMMANDS.

		Held by King's Officers.		Held by Company's Officers.	
Bengal	{ General Staff	2	-	-	5
	{ Brigadiers	2	-	-	12
Madras	{ General Staff	2	-	-	3
	{ Brigadiers	3	-	-	9
Bombay	{ General Staff	1	-	-	2
	{ Brigadiers	*2	-	-	*7

The aggregate of these commands ordered to be reduced from 9 to 7.

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543. Is it not so long since you served in India, that you can give the Committee little information as to the discipline and efficiency of the army now in India, but that you can give evidence principally of the financial transactions of India?—Yes, and in other matters I can speak only from the records, and the current military correspondence with India.

544. Can you give any information to the Committee of any means by which the services of the army may be rendered more efficacious without any increase of expenditure?—No, I do not think they could be rendered more efficient without a good deal of expense.

545. Is there any alteration or improvement that you would submit to the Committee, in the first place, for the improving of the efficiency of the army?—No, I am not aware of any orders except such as have already gone, that could be proposed with advantage.

546. Is there any alteration in the expenditure which you would recommend?—I think considerable savings might be made by reductions of unnecessary troops.

547. Will you state to the Committee in what particular branch of the service those reductions might be made?—I should first say all the native artillery, horse and foot, which I think at present unnecessary, and at all times dangerous.

548. Would you not, in the event of that reduction, propose a substitute in a large European force of artillery?—I apprehend that the European artillery are now sufficient; at the time the native artillery were raised there was a sufficiency, and a great difficulty of getting recruits fit for the artillery.

549. You apply that generally to the three presidencies?—Yes.

550. Do you give that information from your own observation, or from the reports received from officers in India?—From my own observation, arising out of the perusal of the records and correspondence with India.

551. Would you propose any alteration in the corps of engineers?—No.

552. Any in the cavalry?—I think the native cavalry might be reduced with advantage, and European cavalry substituted.

553. European cavalry in a lesser amount do you mean?—Fewer European cavalry would suffice. My idea is, that a larger portion of the King's troops in India ought to be cavalry, and a smaller portion infantry; and I would propose to diminish the native cavalry in proportion as I increased the European cavalry.

554. In what proportion would that be?—I should think that half the cavalry in India ought to be Europeans.

555. A third less, or a fourth less, or a fifth less, would you propose?—In Bengal I would have four additional regiments of Europeans, and I would have six less of natives.

556. Each regiment of the same strength?—Each regiment of the same strength.

557. In what ratio would you make it in Madras and in Bombay?—I would have one half European, and one half native.

558. Do you suggest any alteration in the infantry, the King's European, or the native, generally?—I think the King's European infantry might be reduced for the benefit of the finances, without danger to the State. I have already proposed that the King's cavalry should be increased; the King's infantry, I think, might be reduced

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reduced in the same proportion as the cavalry when increased ; and I think the four King's regiments that were sent out for the Burmese war might now safely be withdrawn.

559. Is there any suggestion that you would give for the promotion of the discipline of the army in India ?—I think it is perfectly good.

560. Are there any suggestions you would throw out in addition to those you have made, for the efficiency of the army in India ?—No.

561. Are there any alterations in the clothing ?—No.

562. Have you any other suggestion that you would submit to the Committee ?—No.

563. In substituting four regiments of European cavalry for six of native cavalry, did you mean that those four regiments should be in the Company's service, or King's troops ?—It might be either ; but I conclude of course that they would never allow them to be Company's. I went upon the idea that they would be King's, and expected that as many King's troops as Company's troops would be withdrawn or disbanded.

564. Is there any suggestion with respect to any alteration in the medical department of India you would throw out ?—No ; it has been revised very lately, and I believe satisfactorily established.

565. Any alteration in the commissary part ?—No. A question has been started, whether the supplies had better be provided by the commissariat, or by the old mode of contract ; that is a question between the home authorities and the authorities of India.

566. What do you propose doing with the officers of the cavalry regiments ?—Giving a liberal and satisfactory commuted allowance for their commissions to as many of them as chose to take it, allowing the seniors of each rank the first choice.

567. With respect to the expense of the Bengal army, can you give the Committee any notion, in general terms, of the expense of the Bengal army in the course of the year ?—About 4,600,000 £. sterling.

568. Does that include non-combatants as well as combatants ?—That includes all military expenses and charges.

569. Does it include pensions ?—Pensions that are paid in India, not what is paid here.

570. Will you have the goodness to state how much is paid at home, according to the best of your information ?—According to the best of my belief, it is between 500,000 £. and 600,000 £.; that includes pay to officers at home upon furlough. I believe it also includes the amount of off-reckonings that is paid at home to the colonels of regiments, almost all of whom are at home.

571. So that the expense of the army may be stated in round numbers at 5,000,000 £. sterling ?—I should think it might. There are several things included, about which a question may be raised ; for instance, civil corps which may be said to be maintained for civil service, and yet they are charged here as a part of the military expense ; they are disciplined like military soldiers.

572. Are they not available for military purposes ?—Yes, they are.

573. Is it not your opinion that the statement you have given of the expense of the Indian army is a fair statement, on the average of years on the present strength ?

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strength?—I would rather refer the Committee to the statement that is annually made up by the Auditor of the India House to be laid before Parliament. He divides the expenses more accurately, and the home charges from the Indian charges, and the fluctuations in India are very considerable.

574. Have not great reductions been carried on in India of late?—Very great.

575. By a Return exhibiting the number of troops serving in India during the several years from 1793 to 1831, it appears that during the years 1825 and 1826, 170,000 was the establishment of the Bengal army?—Yes.

576. The present establishment is 99,000, is it not?—I believe so.

577. Has that reduction chiefly been carried on by Lord William Bentinck?—Yes, he arrived immediately at the end of the Burmese war, when the reductions began.

578. Can you give any general information as to the decrease of expense consequent upon that reduction?—No, I could not, without reference to the annual statements from India; but it is by no means in proportion to the number of troops reduced, because the reductions are almost always by firelocks. There have been no reductions by whole regiments; the only considerable saving that has been made, is by reductions of companies or troops, which involves the diminution of two lieutenants, a cornet, or an ensign, as they happen to be cavalry or infantry.

579. On what corps has that reduction chiefly fallen?—On the native corps.

580. What description of army; infantry, cavalry, or artillery?—Every regiment of cavalry lost two troops, and every regiment of infantry two companies.

581. Was there a corresponding reduction in the artillery and engineers?—Yes.

582. Proportionate?—Yes, they all lost the same.

583. Is the Bengal army now considered on a permanent peace establishment?—I should think so.

584. And you anticipate that, according to the wants of the country, reduction cannot be carried much further in point of numbers, consistently with the security of our English possessions?—I should think not in point of numbers.

585. What retiring allowances were given to the reduced officers?—They were not reduced.

586. Were they kept as supernumeraries?—Yes, they were.

587. Will you have the goodness to state the expense of a King's regiment of European infantry?—I applied to the Auditor's office, whose business it is to keep the regular accounts of the expense, to know what was the average expense of a whole regiment of infantry 1,000 strong, and including the expenses at home, and he said it was 65,000*l.* a year.

588. You say including the expenses at home; do you mean the dead weight, the charge of pension attaching to that regiment?—Yes, everything that is paid by the Company in any way to His Majesty's Government, and I believe it includes an average of the expense of passage. It was made for some particular purpose some years ago, I believe, to ascertain precisely what was the charge of each regiment to the Company. I think it was on the proposition made to withdraw the four regiments sent out for the Burmese war; and the Company were asked what expense it put them to, and they said it made a difference of 65,000*l.* a year each regiment.

589. You

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589. You say that four extra regiments were sent out on account of the Burmese war ; and you have stated that you thought those four regiments of infantry might now be withdrawn. Has there not, since the Burmese war, been a proportionate reduction in each regiment of King's infantry in India ?—There has been a small reduction, and pretty nearly to the extent of four regiments.

590. Do you still think, since that reduction of each King's regiment of infantry, that four more may, with advantage, be withdrawn ?—Yes.

591. In the event of the King's service not being able to send King's regiments of cavalry, would you still consider it desirable to reduce four regiments of infantry ?—Yes ; I consider it a separate question. I thought that the four regiments might be withdrawn which were sent out for the purpose of the Burmese war, then the establishment being as before : four regiments of infantry might be advantageously replaced by four regiments of cavalry.

592. Will you have the goodness to state the expense of a King's regiment of cavalry ?—I cannot state it with the same accuracy as a regiment of infantry, because it was not calculated by the Auditor at the same time as he calculated the infantry ; but from the best calculation I can make myself, I should say it is 75,000 *l.* a year, or 10,000 *l.* more than a regiment of infantry.

593. Is the calculation of the expense of the regiment of infantry and the regiment of cavalry made on the supposition of the numbers of the first being 1,000, and the numbers of a regiment of cavalry being 700, and 700 horses ?—Yes.

594. What is the expense of a regiment of native infantry on its present establishment ?—24,000 *l.* a year.

595. Does that include all contingencies ?—Every thing.

596. Pensions and half-pay ?—I should not say that it included pensions to the native officers or soldiers.

597. Then the 24,000 *l.* applies solely to the combatants ?—Yes.

598. What is the expense of a regiment of native cavalry ?—About 40,000 *l.*

599. Including only combatants in the same way as the infantry ?—Yes.

600. How many European regiments of infantry has the Company in its service ?—Only three, one at each presidency.

601. What is the expense of those ?—I consider them to be the same as the King's.

602. Always supposing that they are on the same establishment ?—On the same establishment, which they are.

603. What are the numbers of European artillery in Bengal ?

Number of European Artillery at the Three Presidencies ; distinguishing Horse from Foot.

Date of last Return.		Horse.	Foot.
Bengal	July - 1830	1,021	2,109
Madras	July - 1831	596	1,459
Bombay	January 1831	435	1,025
		2,052	4,593
		6,645	

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604. You have stated that you wished the native artillery to be disbanded; is it your opinion that they ought to be disbanded from a principle of policy, with a view to keep all the science of war in the hands of Europeans alone, and not to intrust it in the hands of the natives?—Exactly.

605. Have you any limit to your number of general officers in India?—None, except by the King's brevet.

606. You have no half-pay in the Indian army, properly speaking?—No: officers are sometimes pensioned on half-pay, not having served 22 years. That is the only half-pay we have.

607. Is it retired half-pay, not half-pay as it is understood in the King's service?—No.

608. Have you found their retired pay-list increase much of late years?—Not so much of late years as it used to do formerly, when it was first established.

609. Can you explain why officers should have wished to retire more formerly than they do at present?—The advantages that have been of late years conferred upon the service. The service having been rendered more valuable, they are less willing to relinquish it.

610. Were there more means of obtaining money formerly than there are at present?—Certainly before 1796.

611. Did officers make a competency sooner in those times than they do now, and were therefore anxious to enjoy the advantages of it in Europe?—I think they did.

612. Have you any means of ascertaining in round numbers what the amount of the retired half-pay is?—115,798 *l.* in the year ending April 1831.

613. Can you state what proportion of the cadets that went out have returned home to Europe to enjoy their pensions?—I should guess about one in twenty.

614. Do you mean your answer with regard to the retired half-pay to apply not only to Bengal but to India generally?—To India generally.

615. Has the pension establishment, as regards non-commissioned officers and men, increased much of late?—That I cannot answer, as it is not in my department. There is a separate office in the India House for that purpose, but the number of men that return are but few.

616. How is the clothing of the Company's troops managed in India?—In Bengal and Bombay it is provided by agents, who are appointed by Government.

617. By the Company?—By the government of each presidency. At Madras they have, for these three or four years past, provided the clothing by contract, which they find a cheaper and a better system, and which therefore probably will be applied to the other presidencies; but at each presidency they are under the orders of a Clothing Board, which consists of a certain number of colonels, including the Adjutant-general, the Quartermaster-general, Auditor-general, and any other colonels of regiments that happen to be residing at the presidency at the time.

618. Is the clothing sent out from Europe?—The Company send the cloth and buttons upon indent to the clothing boards there.

619. Are the caps sent out also?—The caps, when they are used, are sent out.

620. What are the articles of clothing with which the sepoy is furnished?—He has a coat I think now every other year, and he has a pair of pantaloons every

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other year. At the same time I cannot speak very accurately as to that, because there has been a difference (which the Court has been very desirous to prevent) among the sepoy's of the three presidencies, who are the majority of the troops. The Europeans receive the same at all the presidencies. For the sake of swelling the amount of off-reckonings some years ago, it was regulated that instead of a coat every other year, the sepoy's should have a pair of pantaloons, which costs a good deal less, and on its being proposed that that system should be extended to Bombay, the Bombay Clothing Board objected to it, and said that they did not think it fair that they should have a pair of pantaloons once only in three or four years. So the matter is under discussion.

621. In the amount of expenditure you have given for Bengal, namely, 5,000,000*l.*, do you include the clothing and stores sent from England?—I do include clothing and military stores.

622. Within these 20 or 30 years has there been any officer in the Company's service reduced to half-pay by reductions of the force?—Never. There has been no such thing as the reduction of a whole regiment, and consequently no reduction of officers to half-pay.

623. Can you state how the issue of pay is managed, and how the pay department is managed generally in India?—Yes.

624. How is the pay of the army in India managed, and through what processes does it go until it arrives at the troops?—The Paymaster-general makes a calculation of what will be required for military disbursements every month, and that calculation is handed up to the Auditor-general to check, and according to his opinion issues are made to the Paymaster-general. The Paymaster-general distributes the sum he receives among the paymasters of stations, of which in Bengal there are six or eight (six in my time), and that money is supplied by orders from the Paymaster-general upon the nearest local treasury: for instance, on the Company's collectors of revenue, or the residents at foreign courts where they receive subsidies. Orders are given in favour of those paymasters to receive each his proportion.

625. How is it subsequently issued to the regiment?—The paymasters of stations pay the money in Bengal to the captains of companies, who pay it to the men. At Madras they pay it to the paymasters of the regiments, who pay it, whether through the medium of captains of companies or directly to the men I am not aware. I think that those regimental paymasters at Madras have been discontinued by orders from Lord William Bentinck, he wishing the troops to be paid in the same way as they are in Bengal, by the captains of companies.

626. Are the paymasters of stations selected from the military service?—Yes.

627. The duties that are at home performed by the Secretary of War, in India are performed by the Auditor-general?—The financial part of the army is under the auditor.

628. How are the duties of the Ordnance establishment managed in India?—There is a commandant of artillery who has the general superintendence; he has the general control of the whole artillery of his establishment.

629. Has he the management of the civil duties of the ordnance, as well as the military?—They are partly managed by him, partly by the Military Board, or rather, I should say, they used to be; but the Military Boards have been materially altered

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altered in their construction and authority of late years, and in Bombay they have no Military Board at all; Sir John Malcolm put an end to it, and put the whole management in the commandants of the artillery, subject only to the Government.

630. In what way are the guns necessary for the service provided?—The brass guns are cast in Calcutta, the iron guns are sent from England.

631. Have you not powder establishments in India?—Yes.

632. How many have you?—One at each presidency. There were two at Bengal, but one was put an end to; it has not answered its purpose. At present they have none in use. They made so much powder during the war, that they found they did not want any more made at present.

633. What quantity of powder do you keep in store by the regulations in Bengal?—We generally calculate upon having three years' consumption.

634. Three years' war consumption?—No; I think they generally consider it three years' peace consumption; but that depends very much upon the orders of Government as to the quantity to be made, according to their foresight.

635. Have you any manufactory of arms in India?—No; the arms are sent from England.

636. Have you any manufactory of shot?—The shot also goes from England.

637. Have you any gun-carriage department in India?—There is an agency for the manufacture of gun-carriages.

638. By whom is the business conducted; by an officer of your own?—Yes; generally an officer of the army; most probably an officer of artillery is employed; not always.

639. Does he furnish those on contract or on agency?—He is purely an agent.

640. Are your artillery and engineer officers instructed at Addiscombe?—At Addiscombe.

641. Do you know at all the expense of the establishment at Addiscombe?—No, I do not.

642. It is not in your department?—No.

643. Do you know the number of cadets educated there?—I think about 120.

644. If four regiments of European cavalry were substituted for six of native cavalry, is it your opinion that those European regiments would be efficient if in the Company's instead of the King's service?—Certainly.

645. Is there any and what difference in the expense of the native regiments of infantry at the presidency of Madras and Bombay and that of Bengal?—The native regiments at Madras and Bombay are more expensive than in Bengal.

Lunæ, 5^o die Martii, 1832.

The Right Hon. Sir JOHN BYNG in the Chair.

V.
MILITARY.

Major-General Sir JOHN MALCOLM, G. C. B., M. P., a Member of the Committee, was examined.

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Sir John Malcolm,
G. C. B., M. P.

646. How long have you been in the Company's service?—It is nearly 50 years since I first entered it.

647. You have served in the three presidencies?—I have served in the three presidencies, and in every part of India.

648. Will you be good enough to state what situations you have held in the different presidencies?—I was for a period of nine years doing duty as a subaltern with infantry corps of Europeans and natives in the presidency of Fort St. George, before I attained any staff situation. I subsequently filled a great number of staff situations under that presidency, in the military department. In the year 1798 I entered into the political department, and since that period I have been employed in various duties, comprehending the civil, political, and military branches. I was for a long period employed on various political missions in India and Persia. I had the civil, military, and political administration of all the provinces of Central India under my charge, and have, as a general officer, commanded divisions of Bengal, Madras, and Bombay troops, including corps of His Majesty's and the Company's armics. The last situation I filled was Governor of Bombay, which I held from November 1827 to December 1830.

649. During the commands you have held, have you had the King's troops under your orders as well as the Company's?—I have.

650. In what ratio of expense do you consider a regiment of infantry in the King's service with that either of a Company's European corps or a native corps?—The difference of expense between a European corps and a native, both in pay and allowances, in garrison, is very considerable, and in the field is much more so, from the carriage of provisions and liquor, and various other equipments that are necessary for the European corps.

651. Is the proportion equally great between the expense of a cavalry regiment in the King's service and that of a regiment of native cavalry?—I should state still more so.

652. Are the pay and allowances of the Company's European troops assimilated to those of the King's troops?—They are.

653. Is there any difference in those of the native corps with respect to the Europeans attached?—I believe they are in most respects upon the same footing. The differences that occur have reference to the peculiar service for which the different branches are liable to be called upon, I believe; substantially they are the same.

654. Is the clothing of the Company's European corps the same as of the King's troops?—I believe the same, though not furnished in the same manner.

I believe

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I believe the stoppages, and every thing that relates to the clothing, to be the same ; but I am not acquainted with exact details.

655. Can you inform the Committee of the allowances attached to a general officer in India, including pay, allowances, and emoluments. Can you also inform the Committee what are the pay and emoluments of a colonel of a regiment of infantry corps in the Company's service, and also of a colonel of a regiment of cavalry ?—As I cannot state these amounts correctly to the Committee, I beg to refer to the pay-table.

656. Has there been, since the last Charter, any difference made in the pay either of staff or of regimental officers ?—The allowances have been augmented since that period ; but the pay, I believe, always remains the same.

657. Can you state in what particulars, and whether in the garrison or in the field ?—In the rank of a lieutenant the original pay and allowances were as follow : monthly pay, 60 rupees ; half-batta, 62 ; gratuity, 24 ; house-rent, 25 ; total, 171 rupees per mensem. Subsequently, tent allowance of 50 rupees was substituted for house-rent ; the total was 196 rupees. Lastly, house-rent was added of rupees 30 ; the present amount, 226 rupees ; so that the increase of batta in the field of 60 rupees, makes the whole amount 286 rupees per mensem ; but the house-rent, 30 rupees, has been struck off, which leaves the lieutenant with 256 rupees per mensem, about 22*l.* a month. But a lieutenant taking the field now only receives an increase of rupees 30, because his pay and allowances have been increased from 171 to 226. The accuracy of this will be judged by referring to the pay-table.

658. Is the difference to the other ranks in the same ratio ?—I believe the difference to other ranks is in the same ratio.

659. Are not pay and allowances to officers different at the several presidencies ?—They are different ; but on this point I would wish to refer to the pay-tables of the respective establishments.

660. Would it, in your opinion, be desirable to assimilate the different allowances at the several presidencies ?—I do think that it would be extremely desirable to assimilate as far as possible, with reference to the countries and provinces in which they are employed, the armies of the three presidencies of India, not only with respect to pay and allowances, but with respect to all their military establishments.

661. Where the allowances are less, are the necessary expenses proportionally less also ?—The principle, I believe, upon which the allowances were much regulated in the first instance, was a consideration of the distance that European officers were from those supplies which, coming from Europe, form the chief article of their expenditure, and the expense to which they were put in the transport of such articles.

662. In the year 1828, was there not some difference made in the batta allowance ?—Yes, there was by an order issued by the Governor-General in A. D. 1828, and subsequently confirmed by the Court of Directors.

663. Were there not just previous to that order several very valuable additions made to the allowances to officers ?—There were those which have been stated to the Committee by Colonel Salmond.

664. Can

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664. Can you point out to the Committee any advantageous arrangements in the store department ; whether the stores that are now got from Europe could with more economy be obtained at either of the presidencies?—There is no subject that engaged more of my attention during the period I was governor of Bombay than the store department : it is one of great expenditure, which it is very difficult to limit. Amongst other inquiries, I went most fully into that of how far supplies in the store department could be furnished in India, without making indents upon England ; and I will venture to state, that at that presidency, and I believe at others, every article that can be furnished equally serviceable, and at less expense, is now furnished in India, and not included in the indents on England. The stores furnished in India include a great variety of petty articles, and a great number of those of more consequence.

665. Can you submit to the Committee any further alteration that would be advantageous to the service, both as to convenience and expense in the store department?—As far as relates to Bombay, certainly none, as that department underwent, in all its branches, the completest revision. Demands for stores were limited ; depôts were concentrated, and the greatest attention was paid to reduce the indents upon England, which were materially diminished, while by the suspension of the functions of the Military Board, which had the charge of this department, but which from the various duties of its members, could never give it that constant and vigilant attention which it required, and by placing different officers, such as the commandant of artillery, and the officers at the heads of the arsenal of Bombay, and others situated under more responsibility, and in the field, under more strict check of the Commander-in-Chief, every means was taken that was possible, not only to prevent expenditure but to check its future growth. In this and in other departments, wherever the urgency did not require it, all audit was made prompt and upon demand, not upon issue. With respect to Bengal and Madras, I am not aware what changes have taken place in the store department ; I can only state, that when in command of their troops in the field, I found this branch very efficient.

666. Will you be so good as to state to the Committee the comparative efficiency of the King's and European troops with those of the native in the field, and for all public duties : first, with respect to the cavalry?—The oldest corps of cavalry in the service of the East-India Company is that of Madras ; and I have no doubt that it will appear upon record that they have proved in all duties as efficient as those corps of His Majesty's European cavalry with whom they have been for so many years associated in the public service. This corps was formed under the most favourable circumstances, being originally embodied by the Nabob of Arcot, under European officers. The pride of that prince led to his inducing some of the best families of his Mahomedan subjects to enter into it ; their sons have continued in the service ; and it is a remarkable fact, that while almost the whole of this corps are Mahomedans, they nearly all belong to the Carnatic, and their families are inhabitants of Arcot, the former capital of that province, and one of its largest suburbs. Desertion, I may state, never occurs in this corps, and punishments are almost unknown. The European cavalry of His Majesty have, of course, the advantage over this body, in being stronger men, and having more physical

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physical force; but I do not know of any other difference in efficiency. The Bengal cavalry has been more lately formed, but is an uncommonly fine body of men; a considerable proportion of them are Hindoos, and they may be said to approach nearer to the European in physical force than the Madras men. The Bombay cavalry is also of much more recent formation; a considerable number of it are inhabitants of the North-western Provinces of Bengal, and they are a most efficient corps. All these corps are under European officers, with the usual proportion of native commissioned and non-commissioned attached.

667. What is the relative efficiency of the sepoy infantry to the King's and Company's European troops?—I would beg to refer for my opinions upon this subject of our native troops, both cavalry and infantry, to my work on Political India, Volume II, from page 225 to page 245, and to an account of the rise, progress, and character of the native troops in India, which forms an inclosure in my letter to the secretary of the India Board, under date the 13th of February 1822, and is upon the table of the Committee.

668. What is your opinion as to the efficiency of the native artillerymen?—The golandauze, or native artillerymen, are, in my opinion, most efficient. The artillery is a favourite service with the highest tribes of the Hindoos in India, and they are remarkable for attaining excellence both in discipline and in gunnery. Some of the native horse artillery belonging to Madras have lately been under my orders, and they appeared to me a most efficient body of men. I have further to remark upon the native artillery, that they are of the greatest use in saving the European artillery from going upon those lesser detachments to posts at a distance from their head-quarters, which have been found very materially to deteriorate their discipline, and I deem the native corps of artillery in this particular, as well as in others, a very essential one. I am not of opinion with many, that we incur any risk of a political nature by imparting such knowledge to the natives, because the natives have proved, in the corps that they have formed, that they have perfect means of becoming instructed, and instructing others in this branch of military force. The native artillery of Scindia and Holkar were not inferior, in my opinion, to any body of that class of men that we have formed.

669. Will you favour the Committee with your opinion as to the discipline of the native troops generally and of their spirit?—I cannot better answer this query than by quoting the 39th paragraph of my letter to Lord William Bentinck, of the 27th of November 1830, which is on the table of the Committee, in which I remark, that “each of the three Presidencies of India has succeeded in attaining, though by different means, the object of having an effective native army. I have served with and commanded native troops of Bengal, Madras, and Bombay, and I declare to your Lordship I have hardly a choice. They have different qualities, but with good officers, they are all excellent troops. I can only add, that their discipline is equal to that of any army, and for a long period past it has received the greatest attention from those who have exercised high command in India. With respect to their spirit, I can conceive nothing to surpass it; but the peculiar construction and character of this army will always render their spirit as well as their discipline very dependant upon the character, knowledge, and temper of the officers by whom they are commanded, and particularly on an abstinence on the part of the latter from all harshness

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harshness or severity, with constant attention to the usages and religious prejudices of their men. In short, they are a body who, it has been well said, must be commanded through their affections."

670. Are they temperate in their habits?—Extremely so.

671. Are they respectful and obedient?—Perfectly so.

672. And their conduct in the field has generally been highly praiseworthy?—Highly praiseworthy, as I can speak from personal observation of their extraordinary gallantry.

673. What is your opinion with reference to the European artillery?—As far as my military knowledge renders me capable of judging, there cannot be a more efficient branch of artillery in any service than the horse and foot artillery of the Company in India.

674. Will you favour the Committee with your opinion as to the engineer department?—The engineer department has always had a just reputation in India; but of late years, since the government at home have paid such attention to the youth sent out to their different establishments in India, rendering appointments to that branch the prizes at the seminary of Addiscombe, and giving them, subsequent to their obtaining those prizes, every advantage they could derive from the instructions of Colonel Pasley, the officer in charge of the engineer depôt at Chatham, this corps may be said, both in science and high feeling, to be fully equal to that in the British army.

675. Are you aware of the several reductions that have been made within the last few years in the establishment of the army in India?—I am.

676. Are you of opinion that any further reduction could with security be made in any part of the force?—I do conceive that as great reductions have been made at the different presidencies of India within the last three years as can be effected without impairing the efficiency of the armies of India.

677. Would you recommend any alteration in any particular arm of that force; the questions proposed have reference to the three presidencies?—As far as the question relates to the substitution of one force for another, I am not prepared to make any answer further than that I consider that the four regiments of His Majesty's service who proceeded to India in consequence of the war with Ava, and were an excess of the establishment before fixed for that country, might be withdrawn.

678. Has not the proportionable amount to that force been already reduced by the reduction of so many men from each regiment?—It has, I believe; but the whole of the officers remaining in India make those regiments a severe pressure upon the finance. My opinion upon this subject is much grounded on the actual condition of our empire in India. I conceive that there is little if any danger of any wars of a magnitude to call for the employment of a large number of His Majesty's troops, and that if any exigency was to arise, sufficient time would be given to admit of reinforcements being sent from England, who, on their arrival, could occupy garrisons, and release those who are more inured to the climate to proceed on field service.

679. It appears that, in 1813, the total amount of force in India was 199,950 men, and that in 1830, the total amount was 194,685 men; and from another return,

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return, it appears that the total amount of officers on the staff in 1813 was 170, and in 1830 or 1831, 254, so that while the total amount of force remained nearly the same, or was rather greater in 1813 than it is at present, the staff is now more by 84 than what it was in 1813; can you give any explanation of that circumstance?—I am not exactly aware of the minute causes of this difference, but I believe it to have originated in the different organization of divisions and stations of the army as well as the much greater extent of country which that army has had to occupy subsequent to the war which took place in 1817–18; for though the success of that war may have enabled us to reduce the numerical strength of the different regiments, in non-commissioned and private, the actual increase which that war, and, the subsequent operations in Ava, made of corps, has not been reduced.

680. Has that proportionate increase of staff been attended with a proportionate increase of expense?—Certainly.

681. But notwithstanding that increase of expense, should you think it advisable to maintain the staff at its present amount, in proportion to that of the whole army?—The staff at all the three presidencies has been within the last three years very considerably reduced; and I am not aware that it is possible to reduce the staff to a lower standard than at present, without a loss of efficiency.

682. In the Adjutant-general's department, the number in 1813 was 58; the number at present is 75; from your knowledge of the Indian service, should you think that in that particular department such an increase was necessary?—I do consider that in that department the increase has been necessary, for with bodies of troops detached in districts and provinces distant from head-quarters, the efficiency of the public service requires that the staff should be maintained at those positions; and there are, besides the Adjutant-general and his assistant, at head-quarters, officers denominated assistant-adjutant-generals with every division of the army, besides brigade-majors and line adjutants.

683. In 1813, in the Adjutant-general's department at Madras, there were 25 officers employed, and at present there are 26, making an increase of only one; and at Bombay, in 1813, there were 12 officers employed in the Adjutant-general's department, and there are now 20, making a very much larger increase at Bombay than at Madras; can you explain that circumstance?—The Bombay army has in the number of corps been increased since 1813, and very greatly in the extent of that territory which it has had to occupy, and has required, from the greater number of stations of its troops, an increase of staff.

684. Does that apply to Bombay in a stronger degree than to Madras?—I think it does, particularly since the southern Mahratta country was made over to Bombay.

685. In the stud department of Bombay in 1813, no officer was employed on the staff, and at present there is one?—A statement of the different stud establishments of India is given in Colonel Frederick's Report, page 33. With respect to that of Bombay, it is of recent establishment, and upon a very moderate scale; but, in my opinion, it is the most efficient establishment that a stud could be placed upon in a country which is, like the Deccan, very favourable to the breed of horses, and in which the inhabitants are well accustomed to rearing them, and well taught to do so, when they see that it is rendered, as it now is, a source of profit.

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686. Must not this great increase in staff employments add to the necessity of having some body of officers in reserve to increase the deficiency that thence necessarily arises in the number of regimental officers?—I have given my sentiments upon this subject in the second volume of my work on Political India, and more minutely in a letter to Lord William Bentinck, of the 28th of November 1830, which is upon the table of the Committee. In this I have stated the various modes that may be adopted to prevent the efficiency of corps suffering by the frequent drafts upon them of regimental officers. I have recommended to the consideration of his Lordship changes in the nature and duration of several staff appointments, such as brigade and line staff. If these were selected from corps at the stations it would prevent the necessity of these officers being taken away from their regiments, with which, though employed on general duty, they would be present, and ready to accompany them when they left the station or proceeded upon any service; but for the effectual accomplishment of this object, I am satisfied that it will be necessary to form one or more skeleton corps at each presidency. Various modes have been proposed as to the construction of such corps: the most practicable appears the formation of corps of officers without men, from whom vacancies caused by appointment to the staff could be filled, who might be employed on the staff, and when not so employed would serve with the regiment by whom their services were most required. These officers would, in short, be disposable in any way, though they would rise in unattached corps. There are fewer objections to this plan than any other, for it could in no degree disturb the regular rise of other corps, or produce those inequalities of promotion that must result from filling the vacancies made by nominations to the staff in the regiments to which they belonged. The unattached corps which have been proposed need have no ensigns, the seniors of that rank in the army being promoted into them as vacancies occurred; it would be formed, in the first instance, as an augmentation. I am decidedly of opinion that some arrangement must be made, for there is the greatest objection to the orders lately given by the Directors regarding the limitation of officers to be selected for staff and other employments detached from their corps, to a specific number from each regiment. Services are continually occurring in India, the success of which depends upon the individual character and qualification of the officers employed; and I have had, during the last three years, recurring instances of the difficulties which this has occasioned to the government in the selection of its instruments. I cannot mention a stronger case than that strict attention to this rule was likely to have prevented my employing Captain Burns, who has lately surveyed the Indus, and who, from local experience and other causes, was the only man, as far as I could judge, qualified to carry that important service into successful execution.

687. Colonel Salmond seems to regret the difficulty of reducing the Company's troops by regiments; in what does that difficulty consist?—The difficulty consists in its being impossible to place upon half-pay the European officers of the corps, and to put them as supernumeraries upon other regiments would produce a very great stagnation of promotion in an army, where stagnation of promotion is one of the greatest evils both to individuals and to the service. It is for this reason that I have always recommended that what are termed extra battalions should be raised when there is a temporary want of troops, but not one for a permanent increase of the

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the army. These extra native battalions are commanded by a captain of experience selected from the line, and have only two staff, an adjutant and quartermaster. They are found to attain excellent discipline, and are quite equal to all the duties that occur within our territories. In a case of war or foreign service, they would no doubt require an additional number of European officers; but this could with facility be given them from corps in garrison. The reduction of such corps, which has lately taken place to a considerable extent at all the presidencies, is attended with none of the inconveniences before-mentioned, and their maintenance is comparatively economical.

688. How is the reduction of the army in India accomplished?—I recollect only one instance that any considerable reduction of the army took place, that was immediately after my arrival at Madras; it was attended with the greatest distress to the European officers, who were, as far as I recollect, reduced to their mere subsistence, and allowed to go where they chose, while the men were wholly disbanded. I have known of no subsequent reduction, except a trifling one lately of the junior European officers of a regiment. The commissioned and non-commissioned natives have frequently been partially reduced when the strength of corps was diminished, and put as supernumeraries in other corps, while the men, unless they desired their discharge, are usually kept in the service to fill vacancies as they occur.

689. It appears that the total amount of force in India has been reduced above 100,000 men since the year 1826; has that reduction been accomplished without any corresponding reduction of European officers?—They have been reduced two or three subalterns each corps. It is considered in all armies, I believe, but particularly in that in India, of much consequence to keep up its complement of commissioned and non-commissioned officers in a regiment, even though the privates are reduced, as it gives the power of making an augmentation of the latter in a very short period. The number of 100,000 must, I imagine, include extra corps, and many others besides the regular established corps of the line; and it is here necessary to remark, that the officers employed in such extra corps are attached to the regular regiments, and when those corps are reduced, return to their stations and duties.

690. Colonel Salmond seems to be of opinion that it is very desirable, on grounds both of expense and of public policy, to reduce the native cavalry and artillery, both horse and foot, and to supply their place with an English force; do you concur in that opinion?—I do not; on the contrary, while I give full value to the British cavalry, and deem a certain portion of them politically essential to be maintained in India, there is no corps in that country whose maintenance and support is attended with such great expense, and which can be so little employed in the ordinary military duties that occur in that country, owing to the nature of the climate, and to the expense and inexpediency of moving them, or of detaching them in small bodies; whereas the native cavalry is one of the most efficient branches with which we have to maintain internal tranquillity throughout our extensive provinces, as well as to act with European cavalry in cases of war. With respect to the reduction of the native artillery, I have already given my opinion in answer to a former question.

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691. Are the native infantry employed in any services, and if in any, what services, not military, in India?—They are and have been frequently employed in aid of the civil government of the country, as escorts to treasures, guards over gaols, and a variety of other duties of that description; but as those duties have always been found to deteriorate their discipline, every effort has been used to prevent their being called upon more frequently than it was possible for such services, which are usually executed by revenue corps. Those were formerly at Bombay commanded by an European officer, but the system has been lately changed, and the command is now given to native commissioned officers of superior character, with a small additional allowance, which, while it has proved an encouragement to native officers of that class, has, as far as my experience goes, been attended with very beneficial effects.

692. Are the regular native infantry ever employed in enforcing the collection of the revenue?—I am not aware of revenue ever having been enforced by their means within the Company's territories.

693. Are military men much employed in civil situations in India?—Military men have been very frequently employed in political situations, but never, to my knowledge, in civil situations, except when unsettled and disturbed countries during war, or by cession, were brought under the British government; on such occasion, necessity has led those in authority to select for the management and subjection to our rule of such countries the ablest and most qualified officers in the army: for instance, Lord Cornwallis selected on this ground the late Lieutenant-Colonel Alexander Reid, to whom and his able assistants, the late Sir Thomas Munro and others, he committed the management of the countries ceded by Tippoo Sultan. The officers then employed became so highly qualified, and rendered themselves so useful to Government, that they were afterwards appointed to the highest situations of the civil line. Similar causes led the governor of Bombay, the late Mr. Duncan, to select Colonel Walker for the management of all the ceded countries of Guzerat, as well as the numerous principalities of Kattywar, and that officer aided by efficient assistants, among whom were Major Carnac, Colonel Barnewell and Colonel Robertson, not only settled the country, but recommended themselves to the Government in a manner that led them to be subsequently employed in high civil and political stations. The same causes led Mr. Elphinstone, when commissioner of the Deccan, to commit the management of Candesh and other countries in the Deccan, to Colonel Briggs, Captain Robertson, Captain Grant Duff, and other officers. These are some examples of many that have occurred, but they have always arisen (when the stations were merely civil) out of the exigencies of the period.

694. Would you think it desirable that a greater share of political and civil situations should be given to military men than they now obtain?—I do not think it desirable that any share of the ordinary civil situations of government should be given to military men; but they have been considered, and their claim has been fully recognized by the Indian government in England, to have equal pretensions with other branches of the service to political situations in India; and their habits as military men, as well as their information and knowledge of all classes of the natives, which they attain in the wide range of the service in which they are employed,

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employed, are such as would render their exclusion from the political branch of the service very injurious to the public interests. It is also to be remarked, that in many situations political and military duties are mixed, and by the employment of military officers of talent and energy, both efficiency and economy are consulted. It is besides of much importance that objects of ambition should be opened to officers in this line, in order that they may become qualified to give that aid to commanders-in-chief and others, which is so essential, during periods of war, to enable them to settle the various questions that arise in the several countries in which the army has to operate. I consider the present arrangements that now obtain on this point to be well understood and perfectly satisfactory.

695. Are you acquainted with the nature of the preparatory education for officers entering into the Company's service in India?—I am.

696. In what does it consist?—I have already described the excellent education that is given to the engineers at Addiscombe, and that is completed at Chatham. Officers of artillery who require science are also well educated at that seminary; and the officers of this branch, when they arrive in India, join depôts (I am speaking more particularly of Bombay), pass through an institution which completes their education in all practical branches of artillery, in a manner that perfectly fits them for their duties. With respect to officers of the cavalry and infantry, I am not aware that any specific education has been prescribed for them in England; but speaking from my knowledge of those who have come to India many years past, I must say that I deem it impossible any army could receive youth better qualified to enter upon the general duties of the military profession, both by their education and habits of life. I understand that of late, among the students of Addiscombe, those that are not wanted for the engineers and artillery go to India in the line.

697. In order to obtain a commission in the Company's army, is it necessary to have passed through the College of Addiscombe?—No.

698. For the engineers and for the artillery is it necessary?—It is.

699. Then the officers who obtain commissions for the line in the Company's service in India have no preparatory education differing from officers entering into any other branch of the army?—No, that is not required.

700. Then when they arrive in India, are officers who have received no education particularly qualifying them for this description of service, capable of executing their duties in the native regiments?—They have sometimes been placed at depôts, where they receive instruction from officers specifically appointed to qualify them to join the respective corps to which they are attached, as soon as vacancies occur; but of late it has been usual to send them to the corps to which they were appointed. They are not, however, employed on detachment duties until qualified.

701. Is it held necessary, in the service of the Company, that the officers should possess some knowledge of the native languages before they join their corps?—It is deemed necessary; and every care was taken at the depôts to which I have alluded, to give them aid in acquiring such knowledge; and when they join their respective regiments, the commanding officer is expected to use every means to make them prosecute the study of the languages in a degree that will fit them for their duties; but the best means that have been taken to effect this purpose are
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those which prevent their attaining any staff appointment, either regimental or general, without passing a strict examination in the native languages. These orders have been lately very rigidly enforced; and several officers who had staff situations, and did not qualify themselves within a given period, were deprived of those stations.

702. Are the Madras and Bombay armies on full or on half batta?—A very great proportion of both those armies are on half batta. At Bombay there are only two full batta stations, Deesa and Bhooj, all the rest have been placed on half batta; and the European corps in the half batta stations of this army were lately reduced from full to half tentage.

703. Does the difference between half and full batta apply generally to European and native troops, and to every branch of the military service in India?—No; there has been a very great difference in this particular between the native armies of India, the Bengal sepoy never being on what is termed full batta, except when he is positively marching; and the Madras and Bombay sepoy having till very lately received full batta, whether stationary or marching, whenever he was in a field station, that entitled his officer to that allowance. This caused considerable jealousy with the Bengal sepoys employed in Malwa, when the Bombay army were at Mhow. By a late order, however, at Bombay, batta at all stations was discontinued to the sepoys, with the exception of the distant station of Bhooj, except when marching. It was judged that the European officer and the native were often very differently situated, as the former, from being remote from the place from whence he drew his supplies, had his expenses increased, while in those of the native soldier, from such stations being cheaper, in his means of livelihood, had his expenses diminished.

704. Are the King's troops all of them on full or on half batta in Bombay?—None of the King's troops at Bombay are on full batta, there being only one regiment of Europeans, and that belonging to the Company at the frontier station of Deesa; and I believe that the whole of the corps of the Bombay establishment, European and native, who are on full batta, amount only to five corps out of an establishment of thirty-eight.

705. With regard to batta, are not the King's regiments and the European officers of the Company's European service on the same footing?—Yes, with respect both to batta and tentage.

706. Are you of opinion that the three armies ought to be on the same footing as to batta and allowance, taking all circumstances into consideration of advantages enjoyed by the armies in the different presidencies?—As a general answer to this query, I should say, they were as nearly equal as, considering circumstances, they could be rendered.

707. Does that answer apply to the troops in the King's service, to the European officers in the Company's service, and to the sepoys, taking all advantages into consideration?—I consider it does; but late orders with respect to the reduction of tentage have operated severely upon officers of European corps, King's and Company's, who are in the half batta stations. I have noticed this subject in my letter, to which I have before so often referred, to Lord William Bentinck, and proposed some remedy, not only on their account but for the good of the service.

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708. What remedy do you propose?—In this answer I must refer more particularly to Bombay, where all the European corps except one (as I before stated), are on half batta. Formerly European officers of the European corps, King's and Company's, were allowed a sum of money to provide themselves with tents, which amounted to 1,600 rupees to a field officer, 800 to a captain, and 400 to a subaltern. This allowance was given every two years, but by an order of the Bombay government this allowance was stopped, and full tentage given to all officers of European regiments, whether at full or half batta stations: this was considered sufficient also to provide them with quarters, with which they had to furnish themselves in all stations, except the presidency. The consequence of this arrangement was, that the allowance coming to corps which are seldom called upon to move without considerable warning, came to be used, if not considered, as a part pay; and when called upon on sudden emergencies to move, as no musters were kept up, it was not to be expected that either their camp equipages or carriage should be always prepared. The consequence was, this arrangement was neither so beneficial to the individuals nor Government as the former. I am aware, that on a calculation made by the Auditor-general, he proved that the half of the full tentage amounted to more than the former allowance granted; but this did not prevent the serious evil to the service that I have mentioned, nor the distress which came upon those officers at the sudden reduction of so considerable a part of their allowance, and it led, of course, to invidious comparisons between their situation and that of the officers of the native corps of the army who continued to enjoy the full tentage, and who required that allowance because being troops exposed to sudden and constant calls in service, they were always expected to be prepared to march at an hour's notice. I suggested to Lord William Bentinck that an additional allowance, amounting to one-half of that which had been formerly given, that is to say, 800 rupees to a field officer, 400 to a captain, and 200 to a subaltern, should be given every two years, in order to enable an officer of a European corps on half batta to provide himself with a tent, which should be regularly mustered, and that he should not receive this in the first or any subsequent instance, without the commanding officer of his corps certifying that his camp equipage was in perfect repair. This allowance, which was only half of what before was given, would not have amounted to more than one-third of the allowance that was struck off; but while it rendered them efficient for service, it would, generally speaking, have been of more benefit to those officers to whom it was given than the monthly allowance they before enjoyed. I calculated when I made this proposal, that when a European corps marched, they had always sufficient warning to provide themselves with carriage, and that the full tentage which they received when moving would be perfectly sufficient to maintain the cattle. When it is considered that cantonments are frequently changed, that officers must pay for their own quarters, and are subject to loss upon this head, and receive no house-rent, I do not think the arrangement I proposed is more than what the situation requires.

The Right Hon. Sir JOHN BYNG in the Chair.

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I FIND among my papers a calculation made by Colonel Hough, the late Auditor-general of Bombay, with reference to the actual strength of the two European regiments of 1,158 men, and the established strength of a native regiment (1,166) on the 1st May 1828. This memorandum shows the expense of a soldier, European and native, under the head of pay and allowances, and those establishments which are immediately attached to regiments, and it appears from it that the European soldier costs double what the native does; but if the expense incurred in bringing the European soldier to India, the barracks, places of worship, and other buildings, together with those for barrack furniture, hospital supplies, and a variety of charges more peculiarly applicable to Europeans, as well as the greater complement of officers kept up in His Majesty's regiments than in those of the Company, are taken into consideration, the difference in the actual cost of the European part of the army must, it is obvious, with reference to numerical strength, be much greater than it appears by the following calculation of the Auditor-general:

	Soldier of European Infantry per annum.			Sepoy of Native Infantry per annum.		
	Rs.	Qrs.	Reas.	Rs.	Qrs.	Reas.
Pay - - - - -	150	-	66	84	-	-
Clothing and stoppages - - - - -	25	2	6	8	2	20
Allowance on festival days - - - - -	-	3	-	-	-	72
Medical allowances - - - - -	9	-	-	4	2	-
Regimental followers, non-commissioned staff and established allowance - - - - -	25	2	82	7	3	27

R^s. 211 - 54 R^s. 105 - 19

711. What further reduction may strike you as practicable in the presidencies of Bengal, as to the general staff and the number of troops, in the several armies?—I have already answered that question—with application to Bengal, as well as the other presidencies; I cannot contemplate any further reduction, except as before stated.

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stated, respecting the four regiments of His Majesty's infantry, for the reasons given in my former reply.

712. It appears to the Committee that there is a very great superabundance of staff as to the extent of the amount of force; is not some reduction in the staff practicable?—I have given my reason, in answer to a former question upon this subject, why I did not think the reduction of staff could be made without affecting efficiency.

713. Are there not persons holding staff situations, where a more subordinate staff appointment would be equally available and less expensive?—I do not think so; I refer particularly to Bombay, where there is only one adjutant-general, and one deputy at head-quarters; two assistants adjutant-general, and one deputy assistant with three divisions commanded by general officers; seven brigade-majors at large stations of the army; three fort adjutants at Bombay, Ahmednuggur, and three line adjutants at Deesa, Bhooj and Sattarah; there are also two brigade-majors of artillery. This is all the staff in that department, to an army of about 40,000 men, occupying a country upwards of 600 miles in length, and 300 or 400 in breadth; and the allowances of the different grades of this staff are, as will be seen by Colonel Frederick's Report, upon as low a scale as I could conceive any officers could perform the duty. The same observations apply to other branches of the staff of the army.

714. What necessity can there be to have adjutant-generals and deputy adjutant-generals at Bombay, when a deputy adjutant with an assistant, apparently would be sufficient?—There has been an adjutant-general of the army of Bombay as well as of the other presidencies ever since they were first constituted; and it is here to be remarked that the adjutant-general is not the adjutant-general of the Company's troops, but the adjutant-general of the whole army of the presidency, including His Majesty's troops, which increases his duties, and demands, as head of that important office, that he should be an officer of the first rank and respectability.

715. Are you aware that there is but one adjutant-general of the King's army for all the stations of the King's dominions?—The constitution and construction of His Majesty's army is so different, that I am not aware how any exact analogy can be taken; the armies in India, at the respective presidencies, may perhaps be more considered as armies on service.

716. Would not an adjutant-general at the seat of the chief government of India, with deputies under him at each presidency, both in the adjutant and quartermaster-general's department, be sufficient?—Such an arrangement might be practicable, if the three armies of India were amalgamated into one; but from the manner in which the duties of those distinct armies of the three presidencies are now carried on, it is impracticable.

717. You spoke as to the diminution of force in India, and said that you think four of the King's regiments of infantry might be withdrawn; is it not, considering the small remainder of the King's troops that would then be left for that extensive territory, rather an objection to withdraw such a force, and might not the reduction be more wisely carried into effect by a greater reduction in native troops, which could on an emergency be so speedily replaced?—His Majesty's force in India, independent of those four regiments to which I allude, was that

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which had been calculated by His Majesty's Government and the Court of Directors, as making that proper proportion between our European and our native force in India, which the defence of our territories in that quarter of the globe required ; and in my former answer upon this subject, referring principally to the pressure upon the finance, I stated that there did not appear to me any political danger in the measure with respect to the native force: though they can be more easily recruited, they have now been reduced so low, that speaking from experience of the western parts of India, and believing it is the same in others, I consider that branch hardly sufficient for the requisite reliefs of remote posts, and maintaining the internal tranquillity of the country, in which the European part of our force are never, if it can possibly be avoided, employed, owing to considerations both of finance and of the health of the troops. The native force would certainly be much easier increased, and in the case of any war, it would require to be so in a very considerable degree: what I mean to convey is, that they are at present barely able to do the ordinary duties of the country.

718. Does the amount of the King's forces in India exceed, in rank and file, the number agreed upon between His Majesty's Government and the Court of Directors?—I cannot give an answer correctly as to that; I made a reference in my former answer to the number of regiments. I do not know what the numbers were that were agreed upon exactly.

719. Are you aware that each regiment has, within the last two years, been considerably reduced in their respective amounts?—I believe they have been; they were at their former strength when I left the country.

720. An objection has been made on account of the expense of a second lieutenant-colonel, and an additional lieutenant to each company in the King's regiments: considering the duties they have to perform, and the effect of climate, and the necessary leave which is granted, can a less proportion of officers suffice for regimental and general duties?—I think from my observation, that it is very essential His Majesty's regiments in India should be strong in field-officers, and there should be no hazard of the command of such corps falling to an officer of junior rank; the latter part of the question I do not deem of so much importance.

721. Have you ever known two lieutenant-colonels of the King's regiment both present with the regiment at the same time?—I do not recollect immediately having known two present with the regiment; one reason for their not being so is, that many of the lieutenant-colonels of His Majesty's regiments in India are old in the service, and obtain division or station commands, which remove them from their regimental duty.

722. Are there any native aides-de-camp attached either to the Governor-General or the governor of the different presidencies, or to the general officers of the staff in India?—I have never known any attached to Governor-Generals or governors, but the native officers belonging to their body-guards may be considered as personal staff. The native aides-de-camp have been for many years past very common and usual in the Madras establishment. Two native aides-de-camp accompanied Sir Thomas Hislop during the war of 1817 and 1818, and one, if not both of these have continued with the subsequent commanders-in-chief of Fort St. George, Sir Alexander Campbell and Sir George Walker. A subahdar of native cavalry of very high character

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character was aide-de-camp 30 years ago to Major-General Dugald Campbell in the staff, and the same native officer accompanied the Duke of Wellington in the Mahratta war of 1803. During the war of 1817 and 1818, I had a native aide-de-camp, now a subahdar major of the body-guard of Madras, attached to me, and I can state, that during a period of four years, I derived a benefit from his services in many lines, which it is impossible I could, from the nature of those services, have derived from any European officer on my staff.

723. Are you of opinion that it would be generally expedient that a general officer in the staff should have a native aide-de-camp attached to him?—It very much depends upon the power those general officers possess, from knowledge of the country or of the language, to employ them usefully. At Madras, it so occurred that most efficient officers of this description on the staff spoke English remarkably well, but this is a very rare qualification in a native officer, and quite unknown, I believe, at Bengal, and very little at Bombay.

724. In your opinion, could arrangements be advantageously adopted for the encouragement of native officers?—Native officers under the presidency of Madras have for a long period past received honours and pensions, and at times grants of lands for peculiar services; and two who were very distinguished, have been lately promoted to the highest rank to which men in their condition of life could aspire. At Bombay, the late governor, Mr. Elphinstone, subsequent to the war of 1817–18, made an arrangement by which several native officers of rank and character were promoted to be killadars or commanders of hill forts. Three years ago I proposed a modification of this measure, which was carried into execution, by which, at a very trifling cost, not amounting to 1,000 £. sterling per annum, several more distinguished officers of the native army were appointed to commands of the principal hill forts; the whole number was six soubahdars as killadars, and six jemmadars as naibs or lieutenants; they were divided into three classes, with different staff allowances, and the two soubahdars belonging to the first class were admitted into the third order of the privileged order of the class of the Deccan, a description of aristocracy by which they became exempted from personal arrest, and were entitled to marks of respect highly gratifying to their ambition. These rewards were made a part of the establishment, and on a vacancy occurring, the native officer who, after a certain period of service, bore the highest character, was placed in the situation by a commission from Government, from whom he receives at the same period that he is publicly invested, marks of distinction according to the grade to which he is raised, such as dresses, and to the higher ranks, a horse. Those marks of favour from Government are of great value in the eyes of the natives. The first investiture of this order took place in the presence of his Excellency Sir Thomas Bradford, who was Commander-in-chief, at the large cantonment at Poonah, and the whole of the troops at that station were drawn out upon that occasion. Independent of this establishment, I have mentioned, in answer to a former question, that the revenue corps are now commanded by active native officers of high character; I can only add, that I consider such distinctions and employment to be of much importance, as also an increase of the number of sepoy boys to each corps, with a privilege to a small proportion of sons of native officers, which renders them exempt from corporal punishment, and gives them a trifle of increased pay. At

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Bengal, I believe no measures have been adopted similar to those which have been taken at Madras and Bombay, to give encouragement to this meritorious class of men. From the different composition of the army of that presidency, they may not be so much required. An account of what has been lately done at Bombay, with the causes and results, will be found in the enclosures of my letter to Lord William Bentinck, dated 27th November 1830, which is upon the table of the Committee.

725. Are you of opinion that, in consequence of the schools recently established in the native regiments, the native officers have an opportunity of qualifying themselves for holding civil and judicial stations?—I think that native officers, when from length of service and other causes they are no longer competent to the more active field duties of the station, might be rendered most efficient instruments in the magistracy and police branches of their native provinces, or those in which they desire to reside.

726. Besides the advantages which this encouragement gives to the native officers as mere encouragement, are they not attended with the incidental advantage of accelerating regimental promotion?—The employment of native officers in duties such as the command of revenue corps, and others that require active men in the full vigour of life, no doubt does so; and there would be often an advantage in persons of the same description being transferred to the magistracy or police establishments; but from the slow rise in the service, few native officers can expect to rise to the station of killadars that have not previously been invalided.

727. Are you of opinion that there would be an advantage in embarking troops for India, so that they might arrive in India in the cool season of the year?—I am; and think that the necessity which has occurred of reconciling the period of their sailing from this country, with the convenience of conveying them and making a rapid passage, by making them leave England in the months of January, February, and March, often causes them to arrive at the commencement of the rains, and is the cause of considerable illness in regiments, and that it would be much better if it could be so arranged that they could arrive in India in the cool season.

728. Is there any regulation that you could point out, and which you think may be desirable, to put officers in the actual command of a regiment in that degree of respectable and advantageous station which would render them desirous of remaining in the command of that regiment, in preference to seeking a staff station not carrying with it a higher command?—I have always considered that the armies in India would never be in a healthy or proper state until the command of a regiment was made decidedly preferable for an officer to any staff station, except the heads of the respective departments. I consider that the allowance of 400 rupees per month, which was granted from home, would, if the measure had been carried into execution at Bengal, in the manner it was carried into execution by Sir Thomas Munro, governor of Madras, and Mr. Elphinstone, governor of Bombay, have been fully adequate to effect this object; it was given at these presidencies, where most of the troops are on half-batta, without any diminution from the full-batta, before drawn by the commanding officer of the corps, who had always enjoyed that allowance; but this arrangement was annulled at Bengal, where the officers in command of corps at that period were almost all on full-batta, and therefore derived

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no benefit from it whatever; on the contrary, I believe from the allowances they then enjoyed, it was rather a trifling loss to them. I have given my sentiments very fully on this subject, as well as other measures that should be taken to keep officers of rank and distinction with their corps, in a Minute under date 25th of March 1828, which forms an enclosure to my letter to Lord William Bentinck, to which I have so frequently referred, and which is upon the table of the Committee.

729. In case an officer in command of a regiment received higher allowances than an officer who commanded a station, would there not be difficulty in providing for the command of stations which must be held by the senior officers?—There would not, under the plan proposed, be any stations that could be held by such senior officers that have not higher allowances attached to them than it would give the commanders of regiments.

730. Will you inform the Committee whether any and what benefit might be derived by making the whole force in India a royal army?—I cannot at this period give any answer to this question, as I am ignorant of what is intended to be done relative to the future government of India.

Luna, 12^o die Martii, 1832.

The Right Hon. Sir JOHN BYNG, in the Chair.



Lieutenant-Colonel FIELDING called in and examined.

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Lieut.-Colonel
Fielding.

731. You belong to the Company's cavalry service?—I do.

732. How long have you been in that service?—I arrived in Calcutta in the beginning of the year 1801.

733. Have your services been confined to the presidency of Bengal?—My services, I may say, were confined to the presidency of Bengal; but they were very little with the army. I was a very short time with my regiment.

734. In what situations have you served?—I was for about four years with my regiment; I was then about seven years adjutant to the Governor-General's body-guard, at the expiration of which time I returned to Europe on furlough. I went back to Calcutta in April 1817, rejoined my regiment in September, and in November I was sent for by Lord Hastings, and placed in a situation which was partly political and partly military. I then merely rejoined my regiment for a short time at the siege of Bhurtpoor.

735. From the experience you have had, are there any material changes which you would propose to be adopted with regard to the cavalry force in the Company's service?—There is nothing very essential that strikes me; an officer who has had more experience with his regiment may perhaps suggest improvements more readily than I can.

736. Have

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736. Have you ever served at the same station with the King's cavalry?—There were King's regiments at the cantonment in which my regiment was when I first joined it; but since 1802 I have not served with King's regiments.

737. The mode of equipment is as nearly assimilated as circumstances will admit in the two cases, is it not?—As nearly as circumstances will admit. The style of saddlery is very different from that of the King's army in the present day, but similar to what it was in those days.

738. Is there any available reduction of expense which you can submit to the consideration of the Committee?—No, there is not.

739. Are not the horses provided for in two ways, by agency and by the stud?—Yes.

740. From which do you think the best horses are procured, the most fit for the duties required?—I believe it is generally admitted that the horses supplied from the stud are now the best.

741. What number of European officers do you consider requisite for each regiment of cavalry to be present?—I should suppose, that if two field-officers, a captain to each squadron, and a subaltern officer to each troop, exclusive of staff, were constantly present, it might be sufficient for the duties of the regiment.

742. To allow of that number being present, what would you recommend should be the establishment of European officers?—It would be hard exactly to lay down a rule, it depends so much upon circumstances. It depends, first of all, upon the number of officers that may happen in any particular regiment to be on furlough to Europe, or to be employed on the staff. There is now a regulation, by which there can be only three officers absent from their regiments, one captain and two subalterns on staff duty, at the same time. If this rule is adhered to, the present establishment will generally be sufficient, except in cases of extraordinary sickness.

743. What is the present establishment of European officers attached to each regiment of cavalry?—One colonel, one lieutenant-colonel, one major, five captains, eight lieutenants, four cornets. It is the same establishment as there is in the infantry.

744. What are the number of native officers in addition?—The army has been so much reduced since I was with my regiment, that I can hardly speak positively. The establishment at that time was one soubahdar, two jemmadars, five havildars, and five naicks to each troop; but I believe this establishment has lately been reduced.

745. In there any arrangement which you would submit, to obviate the difficulty which your answer to a previous question supposes as to keeping a fixed number of European officers constantly with their troop?—There is only one mode I could suggest of its being done, but it would involve certain difficulties; that mode would be, that when an officer was placed in a permanent staff situation, or in a civil situation, which took him permanently away from his regiment, he should be maintained on the strength of his regiment as a non-efficient supernumerary, and a promotion made in his place.

746. Would you attach pay at the same time?—His bare pay, his subsistence, as I believe it is called in the King's troops, he would probably continue to receive; then his regimental allowances might either be given or calculated in his staff salary or into his civil salary. Then the objection there would be to that is, that if
several

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Fitching.

several officers were taken from one regiment to this staff duty or civil duty, the rapidity of promotion of the junior ranks in that regiment would be much greater than in a regiment whose officers were not taken for that permanent duty; and I do not exactly see how the difficulty is to be obviated.

747. Are there any particular regiments which have a greater number of officers selected for the staff, or is it mere chance?—It depends entirely upon the pleasure of the Commander-in-chief and the Governor-General.

748. The promotion in the Company's service is always regimentally, is it not?—It is regimentally as far as the rank of major; and from major to lieutenant-colonel, they are promoted by seniority in the line.

749. In the command of a regiment of cavalry, have you found much difference in the discipline of sepoys from different districts of the same presidency?—The greater part of our men are drawn from pretty nearly the same part of the country; I never heard that there was any difference found to arise from particular districts.

750. Is there much preference felt for serving in the cavalry to that of the infantry?—I do not know that there is. Among the Mahomedans, I think there is a preference; among the Hindoos, I do not think there is any. There is no difficulty in obtaining recruits for either arm.

751. Are they fond of, and do they take good care of, their horses?—Remarkably so, generally speaking.

752. Do you consider the military service popular with the natives?—Most undoubtedly.

753. Is not the pay of a sepoy in the cavalry service extremely good as compared with that which the sepoy receives for labour out of the service?—In proportion to wages of agricultural labour, it is very considerably superior.

754. Are the pay and allowances of the officers in the Company's service equal to the necessary expenses to which they are subject?—I have no doubt that they are, except a subaltern on half-batta. This subject has been investigated by committees, ordered by Lord W. Bentinck.

755. Can any officer who uses fair economy save a sufficiency to enable him to return to Europe on furlough after a certain number of years?—I should be disposed to say that few officers could save out of mere regimental pay before they attained the rank of major.

756. Have you served in any other presidency than Bengal?—Never.

757. In what political situations have you served?—When Lord Hastings sent for me in November 1817, it was to have the superintendence of one of the bodies of Mahratta horse placed in co-operation with the British troops by the treaty of Gwalior. In addition to this charge, I was subsequently appointed an assistant to the resident at Sindia's court. Before my return to England, I officiated for about three years as resident, and was finally appointed to be resident at the court of the Rajah of Nepaul.

758. In what year did you serve with the regiment?—At the siege of Bhurtpoor, in 1825-26.

759. For how long a period?—During the siege merely; as I could join the regiment conveniently from where I was, I requested permission to do so; and as soon as the siege was over I was ordered to return to Gwalior.

760. In

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Fiddling.

760. In what year did you return to Europe?—Last year.

761. Were you in India during the time that the new regulations respecting the batta allowance were made?—I was.

762. Were you then on the staff?—I was then officiating as resident in Gwalior.

763. Were not those regulations preceded by benefits of a general nature to the army?—Some preceding arrangements certainly may have been beneficial to the army.

764. Was not a colonel appointed to each battalion, instead of a colonel to each regiment of two battalions?—There was. The regiments were formerly composed of two battalions, having one colonel and two lieutenant-colonels; they were then split into two regiments of one battalion each, and an additional colonel was of course appointed to each regiment.

765. Was not a fifth captain added to each battalion?—I believe a fifth captain was added to each battalion.

766. Were brigadiers with superior allowances added to the general staff?—There were brigadiers of superior rank placed upon the general staff.

767. Were not they with superior allowances?—The officers in command of stations had allowances before; I do not recollect whether their former allowances were increased, but I believe those arrangements were beneficial to the army on the whole.

768. Was not a consolidated allowance of 400 rupees a month given to officers in command of regiments?—There was, in commutation of the allowances they received before.

769. Was it not in addition?—In some cases perhaps it was an addition. I am not exactly aware what the comparative amount was; I do not know whether it was always an addition.

770. Was not the half-pay of the Company's officers increased to the corresponding rates in His Majesty's service where they were before inferior, and not reduced where they were superior?—I do not recollect seeing anything of the kind in the General Orders; it may have been the case.

771. Can you state what is the nature of the existing regulations with regard to the batta in the Indian army, and how far they operate to the advantage or disadvantage of the army, as compared with its situation before those orders were issued?—The effect of the late regulation is this; that at particular stations of the army, where an officer got full-batta, he now gets half that batta, with an allowance of house-rent, which is inferior to what the other half of the batta would be. The half-batta of a lieutenant-colonel is 304 rupees, his allowance for house-rent is 100; a major's half-batta is 228, house-rent 80; captain's half-batta 91, house-rent 50; lieutenant's half-batta 61, house-rent 30; ensign's half-batta 46, house-rent 25. A field-officer loses about 20 per cent., and a captain and subaltern loses about 10 per cent. on his total income by having half-batta and house-rent instead of full-batta. The batta is a kind of colonial allowance, which is given to enable an officer to meet certain expenses which he is not exposed to in England.

772. When were the regulations now in force with regard to batta issued and put in execution?—The 29th of November 1828, I think was the date.

773. Does it apply to the three presidencies?—It applied to Bengal only.

774. Were

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774. Were any corresponding regulations adopted at the same time at Madras and at Bombay?—The order that was issued for the Bengal army at the date which I mention, I believe assimilates the Bengal army to the Madras and Bombay principle, which had previously existed.

775. Before the issuing of those orders, did not the Bengal army possess advantages superior to those of Bombay and Madras?—They were generally considered to do so in that respect.

776. Do the regulations with regard to batta apply to the whole army; to the European troops and to the native troops?—They apply to the European officers of all troops whatever at those four particular stations.

777. Does it apply to all private soldiers as well as officers?—The European private soldiers have quarters found them; the native soldiers are not at all affected by it.

778. In what respect are the European private soldiers affected by it?—They are not affected by it either, because they are in all cases provided with quarters.

779. The regulations applying, as you state them to do, to four stations, are the whole troops moved periodically into those stations, so as to distribute the disadvantage of half-batta equally to the whole army?—It would gradually do so to the infantry and to the artillery, but not to the cavalry, no cavalry being ever stationed at any of those places.

780. Then the cavalry retain the advantages which they formerly possessed?—Precisely so; the artillery suffer more severely than the infantry, a much larger proportion of them being employed at Dumdum than anywhere else.

781. Are you aware of the amount, in point of money, of the difference between allowing the whole army to be on full-batta, and putting a part of it on half-batta, under existing regulations?—I think it was estimated that the saving to Government under that regulation would be about 12,000 *l.* a year.

782. Are you aware of any advantages, in point of emolument, which the army have received, that have in any degree compensated for the reduction to which they are exposed?—I am not aware of any pecuniary advantage granted to the army at large that does.

783. Are you aware of the reduction of half-batta stations that was contemplated in the regulations which were issued in 1824?—I am aware privately, from common report, that orders had been given long previously to carry this arrangement into effect. They were first sent out in 1814, afterwards in 1823; and in both those instances Government declined to carry them into effect, and sent home strong remonstrances on account both of their impolicy and injustice. Of course I cannot state this from any official knowledge; I only speak of them as matters that are pretty generally known.

784. Will you be good enough to state what is the actual amount of pay to a commanding officer of a cavalry regiment, including pay and allowances?—Of the commanding officer of a cavalry regiment, supposing him to be a lieutenant-colonel, the pay and allowances are 1,148 rupees a month, besides 400 rupees command allowance.

785. Can you inform the Committee what is the amount of the pay of a field-officer of cavalry, not commanding a regiment?—The same, except the command money.

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Fulding.

786. What is the amount of pay and allowances to the captain of cavalry?—The regimental pay and allowances of a captain, I think, are about 560.

787. How much are those of a subaltern?—A lieutenant's are about 360, and a cornet's 300. These allowances, in all cases, include full-batta.

788. What regulations exist as to furlough respecting sepoy?—It depends entirely upon the pleasure of the Commander-in-chief or the commanding officers of stations. There is no permanent regulation, I believe, affecting them.

789. Are you of opinion that the permission to go on furlough given to the sepoy is sufficiently frequent?—I am rather inclined to suspect that in the Bengal army the furloughs to sepoy are neither sufficiently frequent nor sufficiently long.

790. Do you think that, owing to the furloughs not being sufficiently frequent or sufficiently long, there is any increase of desertion among the troops employed in the Lower Provinces in Bengal?—I have heard that such has been the case occasionally, but I cannot speak from my own knowledge, never having had an opportunity of observing it.

791. Is the desertion great in the Lower Provinces of Bengal?—Not in ordinary circumstances, I believe.

792. Is the climate in the Lower Provinces of Bengal injurious to the health of the sepoy?—It is a different climate from that of Upper Hindostan, but I do not know that the troops suffer much in their health in consequence.

793. Are you of opinion that it would be convenient, if possible, to garrison the Lower Provinces of Bengal with troops from Madras?—I should certainly think not.

794. What is the number of the Company's European regiments?—There is one regiment, or two half regiments (they call them wings) at each presidency.

795. Is the number of casualties of the Company's European troops greater than in the King's regiments?—I am not aware that they are.

796. What is your opinion of the efficiency of those troops?—I have generally understood them to be as efficient troops as any in His Majesty's service. With regard to casualties, I may state, that when I was at Agra, about a year and a half ago, I understood that the casualties had been something very small, only about 30 men out of 1,200 or 1,300 in the course of the year.

797. Has not, in the Madras and Bombay army, the dram been commuted for a payment in money?—I am not aware.

798. Have you ever considered whether it would be desirable to amalgamate the three armies, so as to be enabled to command their services equally in every part of India?—I have sometimes thought on the subject, and I think it would be extremely inconvenient for purposes of warfare; they are sufficiently, in my opinion, amalgamated at present; that is, the armies of the three presidencies frequently have been and may be called for in any part of India.

799. Then you do not think it would be desirable to make any alteration in that respect in the constitution of India?—I should think not.

800. In what point of view do you think an amalgamation of the three armies, upon general principles, forming three great divisions of the same army, without any material changes whatever, except in augmentations or general promotions, would be

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be inconvenient?—The inconvenience that I should apprehend from an amalgamation such as is suggested in the question, would be this: that the armies of the three presidencies are composed of men of very different descriptions in point of caste, in point of language, and in point of general habits; and that, taking officers that have been accustomed to one branch of the army, to put them in command of corps composed of men of a different description, would be placing them rather in a situation to which they have been unaccustomed, and to which they would perhaps be in some degree incompetent. I mean that the general character of the troops at Bengal, Madras, and Bombay is so very different, that the officer going from one presidency into another would be subject to considerable inconvenience.

801. Are you aware that the language spoken generally throughout all parts of India, and which is the medium of communication invariably between the European officers and the troops throughout all our possessions, is the Hindostanee?—I have never served with Madras troops, and therefore cannot speak from personal knowledge. I have understood that most of the Madras men speak Hindostanee to some degree, but I know that they have distinct languages of their own, and that, generally speaking, they are men of a different caste; the Hindoos at least are a different caste from the men recruited at Bengal.

802. Are you aware that more than one half of the Bombay army at present consists of Bengal men?—I am aware that there are many Bengal men.

803. You have served a good deal in charge of irregular horse; is it your opinion, that in circumstances of war this is an useful arm to employ with an English army?—The corps that I had the command of during my last employment in India was of two descriptions of irregular horse; one similar to our own local irregular horse, and the other the common Mahratta troops. I found both extremely effective, and have no doubt but our own local troops would on all occasions with an army be an extremely useful body of troops; they are, in fact, the hussars of our native army.

Colonel PENNINGTON called in and examined.

804. WILL you be kind enough to state the period of your services in India, and the rank you held?—Between 39 and 40 years. *Col. Pennington.*

805. When did you first go to India?—In 1783.

806. How long did you remain there?—I came home in 1820, after having been 37 years in India.

807. Were you in the Company's service?—In the Company's service.

808. In what description of force?—In the artillery.

809. In what part of India?—In Bengal.

810. What is the present amount of the horse artillery in India?—Twelve troops, six European and six native in Bengal.

811. What is your opinion of the efficiency of this corps, both European and native?—I think they are effective in every duty they are called upon to perform.

812. Is there any alteration you would suggest should be made?—Not any; I have formed it, and commanded it, and the officer who has succeeded me has continued it without an atom of difference.

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Col. Pennington.

813. Does the native branch of the horse artillery who attain the discipline and efficiency that you have stated, act also as gunners?—Yes; but not scientific as gunners, and no better to a native troop of horse artillery; we never give shells, because they cannot read English, and every shell is marked, and you could not tell the distances without reading the shells.

814. Do you see any danger in our instructing natives to be artillerymen?—Not any.

815. From your experience during former wars, both with Sindia and Holkar, should you say that the native artillery were well trained and in excellent discipline?—Unquestionably; equal to anything we could produce against them in the field.

816. Were those men deserters from the British service, or were they natives of the country that had been trained to those native services?—They were persons trained to the native service. A part of the enemy captured at their guns were delivered over to me by Lord Lake; we at that time had not 40 men European, and we were so low that we were 11 days in the trenches without relief, and he transferred those men to me, and I had occasion to drill them a little; but when practised to all the business of loading and firing, they were as prompt and as ready as any men. They did not at first know manœuvring, but with a little patience I soon taught them manœuvring. They were footmen, but no men ever stood better to their guns than they did.

817. How were your horses supplied?—We had to get our horses at the studs; before that we had to purchase them in the field, and we gave 50 rupees more for our horses than for other horses.

818. Which do you reckon the best horses, the stud horses, or those you purchased in the field?—Stud horses much the superior, not only in temper but in duration; one of those will last as long as two of the others.

819. What is your opinion of the present actual efficiency of the foot artillery, as well as of the description of men employed in it?—I think the present foot artillery is very inefficient.

820. In what respect?—In its field establishments. The men are perfectly efficient for all purposes; and I think, with regard to Europeans and natives, the more they are mixed the better, for you may confide in a native artilleryman as much as you may in an European; there are no men in whom you may put more trust.

821. What is your opinion with respect to the present arrangement of the field establishment of the artillery at Bengal?—Some alterations have taken place since I left India, but nothing could be upon a better footing than that was when I was in India.

822. What is your opinion with respect to the cattle employed for the foot artillery; do you consider the present mode efficient in that respect?—Perfectly non-efficient; the guns dragged by bullocks never could be brought into action.

823. What substitution would you propose?—Substituting horses for bullocks.

824. Would any objection of expense arise to that alteration?—Undoubtedly, horses are more expensive.

825. Is it your opinion that advantages would arise from having the store department in all its branches in the three presidencies assimilated?—Undoubtedly; I sent in a memorial upon that subject to Lord Hastings, in the year 1815.

826. What

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Col Pennington.

826. What inconvenience have you observed to exist from there being at this moment different store departments?—The greatest inconvenience; that any accident happening to the wheel of a gun, you cannot replace it, for their axletrees and wheels and every thing were made casually, and mere matter of chance; there was no system throughout the whole army, every magazine was different; two six-pounders moving side by side, the material of one could not supply the other.

827. Does this observation refer to Bengal?—Entirely to Bengal, for I have no knowledge of the other presidencies of Madras and Bombay, and my memorial related to Bengal.

828. Have you, in the course of your service, had an opportunity of observing how far this inconvenience exists in the establishments of Madras and Bombay?—I never served in Madras. I served in the Bombay army a short time, but not long enough to be able to answer with respect to that.

829. Have you any suggestion that you would wish to make to the Committee with regard to the composition or distribution of the force with which you have been connected?—No; except that in composing the artillery, I should say, give horses by all means.

830. Do you consider the present number of officers sufficient?—Certainly not; it is very naked of officers.

831. What increase do you think should be made?—I think it was a mistake striking off captain's lieutenant from the artillery; and there has been a mistake which never has been rectified, of confounding the artillery with the line. It is not so with His Majesty's army; the artillery go on separately, and there is no check to their promotion; but in the Company's artillery, the officer never takes the command. In His Majesty's army, the artillery rises without any reference to anything that is going on in the other companies; but a general of artillery is eligible for the general's staff, and for command in all armies, and in the great armies that were commanded upon the continent all the great generals were upon the artillery.

832. Are there any native officers in the artillery corps in India?—Yes; soubahdars and jemmadars to every company.

833. Is the proportion of native officers such as you would think desirable, or should their number, in your opinion, be increased?—It is very difficult to answer. I think it would be a great encouragement if they were; but for all purposes of efficiency, I think they are sufficient; it would be injurious to have less.

834. Is it, in your opinion, of consequence to give every further encouragement we can, by notice or reward, for distinguished service, to the native officers of the artillery?—Undoubtedly, every stimulus that can be given.

835. Has it been the usage in Bengal to give such rewards?—Only by medals, which have been given to officers. I know, as an example, an old native officer in my command who had served with Sir Eyre Coote and Lord Cornwallis, on the coast of Coromandel, and again with General Harris, at Seringapatam, and with Lord Lake, in the war of Hindostan, and in Lord Hastings's war, and as *seraung* of lascars; he had only 16 rupees a month, which Lord Hastings increased by 12, making a total of 28 rupees per mensem, although he was covered with medals.

Sabbati, 17^o die Martii, 1832.

The Right Hon. Sir JOHN BYNG, in the Chair.

A.
HARY

Lieutenant-Colonel FIELDING called in and further examined.

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Lieut.-Colonel
Fielding.

836. Do you wish to make any corrections in your former evidence?—On my last examination a question was put to me respecting the establishment of European officers that I considered requisite to be present with each regiment of cavalry, which I stated. Afterwards, the question was put, “To allow of that number being present, what would you recommend should be the establishment of European officers?” In reply to that question, I stated that a regulation existed that only five officers from each regiment should be allowed to be absent on staff duty at the same time. I recollect that just before I left India another regulation came out, limiting the number of officers that were allowed to be absent to three, one captain and two subalterns. If this regulation is strictly adhered to, the only chance of a regiment being deficient in officers will be from an unusual degree of unhealthiness; and taking the average sickness that may be supposed, the present establishment of officers will be quite sufficient.

837. Do you, from the experience you have had in the political and other branches, think that occasions may arise in which the selection of military officers, peculiarly fitted for such employment, might be inconveniently limited by the orders respecting the number of staff that are to be taken from each regiment?—I think in many cases this regulation may be productive of inconvenience. A very able young man as a lieutenant may be placed in the Political department, and very much distinguish himself in it; he may, before he attains the rank of captain, have attained a very high political situation; and if it so happens that the officer immediately above him is on the staff also, by the present regulation that officer, notwithstanding the importance and the dignity of the situation in which he is employed, must be remanded to his own corps to do duty as a captain.

838. Have you ever considered any plan which would allow the Government to avail itself of the services of military officers for civil purposes, and at the same time prevent the service of the regiments being impaired?—I answered the question on that subject when I was examined before, and there are one or two other ways in which it might perhaps be done, but I know no way that does not involve serious inconveniences. Another plan might perhaps be adopted exclusive of the one I mentioned before, which would be to have a certain number of skeleton regiments composed of European officers only, and to leave those officers at the disposal of the Commander-in-chief, to be appointed to do duty in such corps as particularly wanted them. Then there is an objection to that; that it would be placing those officers in a very disagreeable situation, to be liable to be handed about from one part to another, and from one corps to another. One other plan there is certainly, but that would alter materially the constitution of the army, which would be to have the

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the whole of the officers of each branch of the service thrown into one general list, as was the case before 1796; the military objection to that would be perhaps very great too.

839. Does it occur to you that it would be desirable to have native aides-de-camp appointed, either to the Governor-general, to the governors of the different presidencies, or to the generals upon the staff in India?—I do not see that there can be any objection to that, and in many cases the arrangement might be beneficial.

840. Would it be likely to operate as an encouragement to the natives in entering the European service, and to increase their attachment to it?—I could hardly say that I should anticipate that effect from it.

841. Would you recommend, with a view to make the English service more attractive to the natives, to adopt in Bengal anything like a distribution of medals or rewards containing personal distinction, such as is understood to prevail in some degree at Madras and Bombay?—I am perfectly aware that all natives in our service are highly flattered by distributions of medals, particularly for active service, and no people in the world are more open to the influence of personal distinction than the natives of India are.

842. Should you think it advisable that the English regiments in India should form a permanent military establishment there, that is, the establishment of the King's regiments?—If it is intended that the regiments of Europeans that remain in India are to continue to be King's regiments as they are at present, I think that would involve considerations rather out of my sphere.

843. Is it your opinion that the organization of the regiments of cavalry would be improved by consisting of eight troops instead of six?—I think it would.

844. Will you state your reasons for so thinking?—Principally from the circumstance of the easy division into two wings, each of which might often be employed where it is perhaps necessary now to send an entire regiment.

845. Do you conceive that the benefit that would arise from adding two troops to a regiment would be sufficient to counterbalance, by giving a greater number of men, the reduction of one of two corps of this branch of the cavalry in the Indian establishment?—Supposing the addition of two troops to each regiment to be made, and that it was also desirable to retain only the same number of cavalry as exists at present, I think it would be preferable to make a reduction in the strength of the different troops; you then, on emergency, would have a better nucleus formed for increasing your regiment at once by recruiting.

846. What was your board establishment under Lord Hastings; of how many troops did it consist?—At one time it was six, and then it was increased to eight.

847. Never above eight?—Never above eight.

848. What would you think the desirable number of troops for a native regiment?—Eight, certainly.

849. Not more?—Not more; a regiment of more than eight troops is, I think, beyond the bounds of a commander's voice.

850. What strength would you say each troop should be for a war establishment?—For a war establishment, considering the number of men and the number of officers that rapidly become inefficient, I should think they should be troops of 100.

851. Supposing

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851. Supposing the two descriptions of troops perfectly equal in discipline, perfectly equal in courage, and perfectly equal in the capacity of their commanding officers, which do you think would be more efficient, that is, would bring a greater number of men into the field, the native regiment or European regiment?—I conceive that the native regiment, being less likely to suffer from the climate, would bring into the field a greater number of men than an European regiment of the same strength.

852. Which take the greatest care of their horses, the natives or the Europeans?—I can hardly venture to say, having seen so little of the European cavalry.

853. Have you a great number of sore backs in your cavalry when you come to long marches?—Occasionally a good many.

854. Do you think that they arise from the badness of the saddlery or from their not taking sufficient care of them?—Generally speaking, I think, from the badness of the saddlery.

855. What number of grasscutters and grooms are attached to a native cavalry regiment?—In Bengal every native commissioned and non-commissioned officer has a groom to his horse, and there was a groom to every three troopers' horses. That was the establishment, I am not aware of its having been altered. One grasscutter is allowed to every horse.

856. Is the regiment of native cavalry perfectly inefficient without this number of grasscutters and grooms?—I conceive it would be on all occasions.

857. Must they not very considerably impede the progress of a regiment in forced marches?—I am not sure that they do. The natives of India are extremely good walkers, and will make very long marches in a day, and keep it up for a considerable period. I do not mean to say that a regiment will not outmarch their grasscutters, and then the horses must suffer inconvenience, but in the course of a campaign the grasscutters will always keep up with a regiment.

858. How many horses are the different ranks of officers allowed in India?—A field officer has an allowance for four, a captain for three, a subaltern for two.

859. How many bare horses have they?—None; the horses I have stated are regimental chargers.

860. On what description of horses are the native cavalry mounted; Arab, or Persian, or Indian?—In Bengal they are supplied from the studs principally, and some are purchased by the officers commanding them, or by the commissariat, of the general produce of the country.

861. At what period was the stud first established?—I think the stud was first established in the year 1796 or 1797; it was about that time.

862. How many studs are there at the various presidencies?—There is one general establishment, which is divided into several branches; I cannot exactly say the number,

863. You speak with reference entirely to Bengal?—Entirely to Bengal.

864. What is the comparative price of the stud horse with the other description of horse?—The comparative price of the stud horses would require a calculation founded upon the prices that are paid by the Government for the colts, and the expenses that are incurred in rearing them, which I cannot state.

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865. Have you ever made any estimate of the cost of a horse to the Government?—I have not the means to do so, and it is a very difficult thing to do at all. I was secretary to the board of superintendence of the stud, and as far as an estimate could then be made out, the cost of horses to the Company, in rearing them in this way was much the same as in purchasing them; but then there was an element always taken into calculation which was liable to cavil, and that was the value that was placed upon all the young stock not appropriated to military purposes. When they were highly valued, there was an increase of the account of stock, as the merchant would call it. It was estimated to increase so much what was set off against the price of the horses, that it would not be an easy thing to say exactly what the real cost was.

866. Did you ever make an estimate of what the expense of maintaining a troop-horse was, upon the average?—I should suppose about 15 or 16 rupees a month at least.

867. Does that include shoeing?—Including shoeing it would be probably about 20. It depends a good deal upon the price of grain, which I have known to be very little more than one feed for a rupee; but I should say, generally speaking, that the cost of a horse was about 2*l.* a month.

868. What are the wages allowed for each horse a month?—Two pounds.

869. What is the general number of horses employed by a captain of native cavalry to carry his baggage?—Horses are not employed at all for that purpose; all baggage is carried either upon elephants, camels, or bullocks.

870. Is there no restriction as to the number of animals employed upon a line of march?—Generally speaking, I may say none whatever; restrictions have been made in particular cases.

871. Not even in the service?—Generally speaking, not even in the service.

872. How many native cavalry regiments are there in Bengal?—Ten.

873. Do you think it possible to reduce two regiments of European cavalry, and to substitute two regiments of native cavalry?—There are only two regiments of European cavalry in Bengal.*

874. Would you recommend that those two should be substituted by native cavalry?—I should not recommend it, certainly. I do not think it would be at all desirable to be without European cavalry.

875. Would you recommend a reduction of four regiments of Bengal cavalry, and a substitution for them of four regiments of European cavalry?—No.

876. Are you aware whether the native cavalry are ever employed in duties which could not be performed by European cavalry?—I think the employment of the European cavalry in many duties that the native cavalry are now employed upon would be objectionable; first, as incurring a great increase of expense, from having a larger body of European cavalry; and secondly, because in many of those duties the European cavalry would suffer so much more in their health than the native cavalry.

877. Will you describe the system of invaliding the officers in the Indian army; it appears in the returns that there is an invalid establishment, of what does that consist?—The officers placed in the invalid establishment in India are, generally speaking, old or infirm officers, who are not quite competent to the discharge of

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Fitching.

active duties in the field, but would be perfectly competent to serve or command in local corps that remain constantly in cantonment.

878. Does their rank continue progressing?—It does not; their rank ceases immediately on their entering the invalid establishment.

879. How many general officers of cavalry have you employed in Bengal?—We have only two officers of cavalry that are generals, and they are in England.

880. How many are there holding the situation of general officers, either as brigadiers or general officers?—There are no officers specially as brigadiers, or officers of cavalry; according to their rank they are eligible to command stations as the officers of invalids are.

Lieutenant-Colonel WATSON called in and examined.

881. You belong to the Company's service in India?—To the Company's service, on the Bengal establishment.

882. How long have you been in that service?—I was 31 years in the service before I retired from it, about a year ago.

883. What situations have you held in the Company's service at the presidency of Bengal?—I was for two years employed in the Political department in the early part of my service, and for the last 19 years I was on the general staff.

884. You have latterly held the situation of adjutant-general?—I was adjutant-general for about three years.

885. From the situations which you have held, you must be perfectly acquainted with the efficiency and discipline of the native troops; will you be good enough to give the Committee your opinion as to their efficiency and state of discipline?—I consider the efficiency and state of discipline of the native troops to be satisfactory in all respects; it entirely depends upon the character and efficiency of their European officers what the native troops might be made; with good officers, who understand their character, they are capable of being rendered highly efficient.

886. How are they in comparison with the European troops?—I could not compare them to European troops, in point of efficiency; but they approach very nearly to them.

887. And in discipline?—Fully as steady in discipline.

888. From being accustomed to the climate, are they not naturally more healthy?—Most undoubtedly.

889. And are generally very temperate in their habits?—Entirely so; there are very few instances of intemperance amongst them; it is the invariable rule to discharge from the service such of the native soldiery on the Bengal establishment as are convicted of drunkenness.

890. Are you aware of the comparative expense of an European regiment of cavalry and a native regiment of cavalry?—In regard to men, as three to one, perhaps more.

891. Can you speak as to the cost of each soldier annually in each force, European and native?—My memory does not serve me to be particular upon those points.

892. But the general expense you average as three to one?—Three or four to one.

893. Do

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Watson.

893. Do you make the same difference with respect to European infantry and native infantry?—Certainly.

894. And the same with regard to artillery?—Yes, with regard to artillery also.

895. Being at the head of the Adjutant-general's department in Bengal, what number of officers had you under your orders in that department?—There was a deputy and two assistants generally present at head-quarters.

896. Of what rank was the deputy?—He was generally an officer of the rank of captain, but from his official situation as deputy adjutant-general, he had the official rank of major.

897. But not with permanent rank?—No; where superior rank is bestowed in consequence of holding a staff appointment, the officer relinquishing such appointment or office, resumes his regimental or army rank.

898. Of what rank were the two assistants?—They were captains in the army.

899. Without any additional temporary rank?—Yes.

900. What was the number of general officers employed in the presidency of Bengal?—Six and seven; seven latterly, since the year 1818, including two major-generals of His Majesty's service.

901. Is there any addition in the rank of brigadier?—A considerable number commanding smaller subdivisions, and a few of the principal stations of the army; from four to eight, and 12 latterly. There was a considerable increase sanctioned from England in 1824; but before that time there were only four officers of the rank of brigadier, in addition to the general officers employed on the staff.

902. Are you able to speak as to the comparative number of days the troops in that presidency are called upon to be upon guard in the course of each week?—The native troops perform all the duties throughout, because it is found expedient to spare the Europeans; they scarcely do more than take their own quarter and rear-guard duties in cantonments; every other duty, such as cantonment guards, outposts, commands, and detachments is performed by the regiments of native infantry, which generally occupy the whole of the men, with the exception perhaps of from 100 to 200 men in the lines, in corps of 800 strong.

903. Is not the night duty very severe upon the native regiments?—I should hardly say it was very severe; all guards furnish sentries day and night.

904. Did it not come to their turn very frequently?—It frequently did, and was sometimes rather harassing to them.

905. Can you say how many nights they were on duty on an average?—Once in three or four nights. I mean those in the lines; but the public guards were relieved weekly, and during such tour of duty, they furnished sentries day and night, in the proportion of one to four privates.

906. What are the number of European officers that you would think sufficient to be with each regiment of native troops?—With regard to the cavalry, I should think that, besides an officer commanding, with a second in command, and two others, viz. the adjutant and the interpreter and quartermaster, each squadron should be commanded by an officer, and each troop also, and three or four to spare. With regard to the infantry, the same proportion, that is, a captain to every two companies, a subaltern to every company, and three or four to spare.

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Watson.

907. Are not the casualties from staff and from furlough among European officers attached to European regiments very great?—Very great indeed.

908. Can you speak as to any general average of each regiment? I believe the average was eight per regiment of 22 officers, not counting the colonel.

909. Do not regiments of cavalry consist of six troops?—At present of six troops.

910. How many companies in regiments of infantry?—Eight companies.

911. And troops of artillery, six guns?—Six guns.

912. And the foot artillery the same?—The field batteries have six guns each.

913. What do you consider should be the number of European officers attached to each regiment of cavalry, and of infantry and of artillery, to provide for the casualties?—I consider the colonel in all cases out of the question, as not liable to do regimental duty; one lieutenant-colonel, one major, five captains, ten lieutenants and four or five cornets, to a regiment of cavalry. To a regiment of infantry, a lieutenant-colonel, a major, five captains, twelve lieutenants, and four or five ensigns. For a battalion of artillery, a lieutenant-colonel, a major, six captains, twelve first lieutenants, and six second lieutenants, for a battalion of four companies working 24 guns.

914. Are there any corps of horse artillery?—There are three corps of horse artillery.

915. Will you be kind enough to state the number of officers you would give to a corps of horse artillery?—The same number as to a battalion of foot artillery.

916. Are the officers employed on the staff generally selected in greater numbers from the cavalry than from the infantry?—There is no fixed rule; it happens occasionally one way or the other.

917. Are they alike taken from the artillery?—Certainly.

918. Are the native officers frequently employed on the staff?—Never.

919. Might it not, in your opinion, in some cases be desirable that they should be so employed?—I am not aware of any advantage that would accrue from their being so employed.

920. Or in subordinate situations in the Adjutant-general or Quartermaster's department?—I think generally that it were better to confine them to their regimental duties.

921. Have you known any instances in which they have been employed in any staff situation?—Certainly not.

922. What objection would there be to employing them in either the Adjutant-general or Quartermaster's department?—Because they are incapable of writing or of conducting correspondence, or of giving any information whatever, that is not already possessed by the European officers of those departments.

923. Would it not naturally give a favourable opinion of the service, if there were some appointments of that nature among the natives?—No doubt it would act as a great encouragement to them, seeing certain members chosen from among them for confidential appointments; but I am not aware that they could be made useful, at least I have never seen any instance where they were so.

924. Neither would you recommend their rising beyond the rank they now attain, that of soubahdar major?—No, I think not; unless a few of them were attached as native aides-de-camp to general and other officers holding high commands.

925. Would

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925. Would you recommend any addition to the number of European troops now employed, with a corresponding diminution of native troops?—I am not aware of the number of European troops at present employed in India; I believe there has been a considerable augmentation since I left that country. I should highly recommend an addition to the native troops, because I consider their present numbers hardly sufficient for the duties of the country.

926. Would you recommend an addition to the native troops with a corresponding diminution of the European troops?—No, quite the contrary; I would recommend that a better balance were kept up between them.

927. What do you think is the balance that ought to subsist between the European and native force?—In ordinary cases, I think that for every eight battalions of native infantry, there should be one strong regiment of European; but in taking the field a much higher proportion would be desirable, say one to every six at least.

928. Has the artillery force come much under your observation?—Yes; I have served frequently with armies where large bodies of the artillery have been employed.

929. What is your opinion of it?—I think it a most efficient corps in every respect.

930. Do you consider them good as artillerymen?—I think them equal to any artillery that possibly could be kept up in India, as they are, excepting their employment of bullocks for the draft of light field artillery acting with troops, which I think ought to be invariably drawn by horses.

931. From whence are the artillery stores in the presidency of Bengal received?—From Europe, from despatches by the East-India Company.

932. Are they the same with the stores at the other two presidencies?—They are exactly of the same description and quality.

933. Are the guns and the gun-carriages made up in India?—The iron ordnance are sent from England; the brass guns are cast in India, and the carriages of all are made up also there.

934. Are they assimilated the one with the other?—They were on the point of being assimilated when I left India; a great deal had been done to effect that object.

935. If artillery stores are wanted at one presidency can they be received from another without having recourse to England?—If artillery stores are required at one presidency, any of the other presidencies being able to spare such stores, could of course transfer them very easily coastwise.

936. Are you aware of such recourse having been had?—I think that Madras supplied Bengal with a considerable portion of stores, particularly in regard to cannon shot, during the Burmese war in 1824-25.

937. By a close assimilation of guns, shot, carriages, and every description of ordnance stores, is it not most desirable that they should be most perfectly assimilated?—Certainly, in every respect.

938. What is your opinion as to native cavalry soldiers?—I consider the natives well adapted for cavalry service, they are excellent and fearless riders, and good swordsmen; I consider them superior to Europeans as riders.

939. Are they fond of their horses?—Exceedingly so.

940. Do they take good care of them?—Very good care.

941. Which

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Wolcott

941. Which is the favourite service ; the artillery, cavalry, or infantry ?—I am not aware that there is any favourite service. In the native artillery and cavalry there is a greater proportion of Mahomedans ; in the native infantry Hindoos are more numerous.

942. Will you inform the Committee what are the pay and allowances of a general officer employed on the staff?—The staff allowance is fixed at 3,333 rupees per month, or 40,000 per annum, exclusive of pay as colonel of a regiment, viz. 300 rupees per mensem.

943. Are you speaking of Bengal?—The three presidencies are assimilated.

944. Are they the same as they were in 1815, or have they received any increase or decrease since that period?—I believe they are the same as when they were fixed in 1815.

945. Are the pay and allowances of other ranks on the staff the same in Bengal as at the other two presidencies?—I believe that the staff pay in Bengal is generally somewhat higher than it is at the other two presidencies ; but I am by no means certain.

946. Is there any and what reason for that difference?—I am not aware of any reason for it ; each of the presidencies has been in the habit of establishing their own rates of remuneration to staff officers.

947. Is the necessary expense of living higher at Bengal than at the other presidencies?—I should think it was ; the Bengal officer labours under one great source of expense more than the officers at the other presidencies ; he is unavoidably compelled, from circumstances of caste and the prejudices of the natives, to keep many more servants.

948. Are the pay and allowances of regimental officers the same in Bengal as at the other presidencies?—I believe they are the same.

949. Are the pay and allowances of the private soldier the same as at the other two presidencies?—They are not ; the Madras and Bombay sepoy receives more than at Bengal. I believe the European troops receive the same throughout India.

950. Is there any reason assigned for that difference?—I think it must have arisen out of local circumstances, at the time when sepoys were first employed by the governments of the three presidencies respectively.

951. Has it for many years been different?—It has ; I remember an order, so far back as 1790, of Lord Cornwallis's, directing that wherever the troops of the several presidencies happened to meet on service, the higher rates should be established while they were acting together. On those occasions the Bengal troops received the difference between their pay and the pay in the other two presidencies.

952. Is that order now in force?—I believe it is.

953. Has any other mode of assimilating the pay of the soldiers in the three presidencies been attempted?—Not that I am aware of.

954. Would you not think it desirable that they should be equalized?—If they were liable to be brought together, of course it would be absolutely necessary ; but while separate, I see no reason for it.

955. Are they often brought near together without acting together?—Very seldom ; there are only two or three instances to my knowledge during a period of 30 years.

956. Are

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Hutson.

956. Are you able to point out any practicable mode of equalizing the pay and allowances?—It would be a very great expense to Government to raise the pay in Bengal to the others, and it would be equally impolitic and impracticable to reduce the others, they having been in the enjoyment thereof for more than 60 years. I do not see how it could be done. There is a circumstance which I have some recollection of, that during the Burmese war, a detachment from Madras arrived in aid of the Bengal detachment at Arracan, there were two battalions of Madras native infantry under Colonel Fair. I remember Colonel Morrison who commanded that force writing, stating that there were certain advantages enjoyed by those two battalions which were not allowed to the Bengal corps; and that he was apprehensive of evil consequences arising when the men in the Bengal service observed the superior allowances or advantages which the others enjoy; the question was an embarrassing one; at first it was proposed that those allowances, whatever they might be, should be kept in the back ground, and that the Madras battalions should be settled with on their return to their own presidency; however, the impolicy of that was so immediately apparent that the idea was dropped directly. I am speaking now from recollection, being at that time deputy-adjutant-general at head quarters.

957. Do you remember what was done?—No, I do not exactly recollect; but I have no doubt they were equalized for the time.

958. If Lord Cornwallis's order, to which you formerly alluded, had been in force at that time, would not that have obviated the difficulty to which you now allude?—It certainly would, with regard to pay; but it occurs to me that this was a question of batta or rations; Arracan being on the Bengal side of India, was, with regard to the Madras troops, a sort of foreign-service beyond sea, entitling them to receive daily rations at the expense of Government; but with regard to the Bengal troops, it was a service upon their own immediate frontier, in which situation they are not entitled to rations from the state.

959. Is any bounty paid to a sepoy on enlisting into the service?—None whatever.

960. What do you consider the cost price of a horse for the cavalry to be in general?—The mode of mounting the cavalry at this moment is to allow an average of 400 rupees for every horse in native corps, and 450 for those in the horse artillery and European cavalry regiments; very good horses are procured for these rates.

961. Are the horses both for the artillery and cavalry generally obtained from the stud, or by particular contracts?—The stud furnishes a considerable number annually; perhaps not less than 800; but the commanding officers of regiments have been empowered to purchase horses from dealers and others, by presenting them for approval before a regimental committee of officers.

962. Has the latter plan been found efficacious?—Very much so, indeed.

963. Are good horses obtained?—Very excellent from the stud; after a selection of the superior horses fit for officers' chargers, which are drafted among all the mounted corps in certain proportions, the artillery and European cavalry are next supplied with the best horses, and the remainder are sent to the native cavalry. This is annually done; horses are never drafted from one corps to another.

964. Are

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964. Are the officers allowed to purchase from the stud?—They are allowed to select horses from those which are sent to their regiments from the stud for 800 rupees; and for the horses bought of native dealers they pay the regimental price of 400.

965. Do you know which the officers prefer, the stud horses or those bought from dealers?—The stud horses are generally bred from English stock; the stud has existed 35 years; and there are hundreds of colts bred there, whose pedigrees can be traced for six or eight generations, therefore they are considered much superior; but for the general remount, I have heard officers say that they preferred buying the horses of dealers to taking them from the stud.

966. At what age is the horse fit for service in India?—The common race of horses, the Indian horses, arrive at their maturity sooner than blood-horses. I should say at four years the common breed are perfectly fit for any work they may be put to; but I think another year is required for those which are bred at the stud.

967. Are they of a hardy description. And healthy?—They are a hardy description of horses, and healthy, large and bony, but generally very vicious; mares and geldings are never employed in the cavalry; the experiment was tried, but was not found to answer.

968. How long, upon an average, may they be expected to last in the service?—I should think from 9 to 12 per cent. every year required to be replaced; that gives a period of 9 or 10 years service upon the average.

969. Does the native horse last to a greater or less age than the stud horse?—Less in consequence of not being so well bred. I consider that a country horse at 12, or 13, is an old horse; I have seen horses at 15, 16, 17, and even 18, working in the ranks admirably well, that were of a better description, and better bred.

970. How far do you consider the efficiency of the regiments is impaired by the great demand of officers for the general staff, and political situations?—I consider that the whole service is very much deteriorated by that system, because the best officers are selected for those situations, men of the most experience; and the consequence is, that regiments are left very deficient, and those who remain are discontented with their situations. I consider it injures the service very much indeed, both directly and indirectly.

971. If so many officers were not taken for staff and civil situations, would it be possible to diminish the whole amount of military officers in India?—I think, if the officers, generally speaking, on staff employ, were all present with their regiments, the numbers would not extend beyond what I have stated as the necessary number of officers.

972. Do you think, on the whole, it is better that civil situations should be supplied with civil servants?—I certainly think it would, with the exception of the Political department, in which military officers have, with some brilliant exceptions, shown themselves more competent; because political and military functions are more analogous to each other, as far as relates to Asiatic courts and Eastern diplomacy; military men invariably carry more weight in native courts, and therefore are more useful in the Political department.

973. How do you propose that the staff situations should be supplied, if you object to any reduction in the amount of regimental officers?—I consider that, in a great measure,

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measure, those officers who are employed on the staff should be considered as supernumeraries, and their places filled up by regimental and line promotion. There might be difficulties in effecting this measure in respect to officers below the rank of lieutenant-colonel, but none whatever in that rank; there might be more officers allowed in the strength of each regiment; and lastly, many of the appointments might be filled, as in the British home service, by persons non-military.

974. In 1813, it appears the army consisted in numbers of 199,600 men; in 1830 and 1831, the numbers in the three presidencies of the whole army was 104,000 men; in the first of those years the staff for the three presidencies was 170 officers; in the second of those periods, 1830 and 1831, the number of officers on the staff was 254; how do you explain that large increase of staff officers, the numbers of the army being rather smaller in the latter case than in the former?—I attribute the increase of staff officers to the vast accession of territory since 1813, requiring the establishment of numerous posts and detachments; in fact, great divisions of troops thrown into Central India, which were not there in 1813. I must also say, in regard to the employment of officers, that over and above the number of staff appointments, in Bengal particularly, a description of force was raised, amounting at one time, I rather think, to eight corps of horse and 30 battalions of infantry, each of which borrowed from the line from two to six officers. They were called local corps, provincial corps. These 30 corps of infantry consisted of from 700 to 1,200 men each, were clothed and armed like the regular army, but not liable to be detached on general duty from one end of the country to the other; in fact, raised for particular districts, but borrowing officers from the line, generally the most intelligent. Again, in 1813, all the regiments were upon a high numerical establishment, viz. 10 companies of 90 men each, and so on; but in 1830 and 1831, I understand that the regiments of eight companies were not 700 strong; in fact, each regiment is reduced very much indeed; and I have no hesitation in adding, that they can hardly be adequate to the performance of their duties, with due attention to their discipline.

975. You think, though the numbers are the same, there are more corps, and consequently an increased correspondence with the staff?—Yes, the greater subdivision of the component parts must necessarily create increased correspondence.

976. How many stations have you at which brigadiers or general officers command in Bengal?—Twenty-three, in which are included seven division commands and three independent commands.

977. You have stated that there has been a great addition to the number of brigadier officers since 1824; do you think that that number could be advantageously reduced at the present moment?—I should say that where there are three or four regiments assembled together at a station, the officer who commands should have the rank of brigadier, in consideration of the extent and responsibility of his charge. I do not think the number of brigadiers in Bengal, in which are included a proportionate number of King's officers, too many for the duties of the service.

978. Is it necessary that the brigadier should have a subordinate staff of his own at those stations, as is the case?—Constantly; where there are three or four corps stationed together, it becomes necessary to have a subordinate officer under him to conduct the correspondence and details of duty.

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979. Would

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979. Would there be no possibility of dividing it into military districts, as is the practice in our own service at home, and in the service in foreign nations?—They are all divided into districts.

980. But with a centre staff from whom all orders emanate?—That is the case; those district commands are all under the several generals of division, who have got their staff to conduct the duties of the division; but, as I said before, where three or four corps are stationed together, the officer in command (the brigadier) has a brigade staff officer to aid him in conducting the subordinate details of his station; but they all report to their respective generals of division, and depend upon him for their further orders on all points of importance.

981. Can you at all state the comparative efficiency of the native and European cavalry, as to the number of men each corps could bring into the field?—I am not aware of what may be the establishment of a regiment of dragoons; but taking the two services, the Europeans have more men, in proportion to their numbers, unfit to mount than the natives have; their habits of intemperance, but chiefly the exhausting effect of the climate on European constitutions, prevent their turning out so strong as the natives; this is equally applicable to all branches of the service.

Lunæ, 19^o die Martii, 1832.

The Right Hon. Sir JOHN BYNG, in the Chair.

Lieutenant-Colonel WATSON called in and further examined.

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982. IN the course of active service, are the horses of the sepoy cavalry much injured by sore backs?—I should think not more than is the case in all other services; the saddles are all procured from Europe, and very carefully looked after, and therefore I do not think the horses are more liable to sore backs than in any other service.

983. You are not able to speak from any personal knowledge upon the subject?—No, certainly not; but I speak from general observation.

984. From your situation on the staff, are you aware of any large number being non-effective, from that cause, on long marches or active service?—I have seen instances of about 10 or 12 horses in the 100 being led in the rear of regiments, from lameness and sore backs, after a good deal of marching.

985. What is the pay of the sepoy in Bengal?—Seven rupees a month when in cantonment, and eight rupees and a half when marching, on detached duty or on service.

986. In peace and in war?—The same in peace and in war.

987. From that pay what deductions are made for accoutrements that the sepoy is obliged to supply himself with?—The Government supply one jacket and one pair of woollen pantaloons in alternate years, and the rest, as by the Return, are purchased by the soldier.

988. Will

988. Will you be good enough to look over that Return, [*a Return being shown to the witness,*] and say whether you consider it accurate?—I consider this quite accurate.

989. Can you estimate the cost of the articles with which the man is obliged to supply himself, on an average; what amount of deductions from his pay does it form upon the whole per month?—When the soldier is enlisted he is required to have all those articles made up for him by the quarter-master, and he is placed under stoppage for the amount, whatever it may be; I think it amounts to about 24 rupees. After that he is required to go to the expense of five rupees annually to keep up those necessaries.

990. Do the stoppages of 24 rupees upon his first enlistment, and the deduction of five rupees annually, amount to a sum sufficient to cover those expenses he is liable to?—Yes, he is liable to the actual expense only, and I consider the sums quoted sufficient for the purpose. The recruit, while under drill, which continues for six or seven months, does not receive the whole amount of his pay, but is put under stoppages, in liquidation of the advance made on account of his necessaries, as before stated; after which, five rupees is the amount which falls upon him to pay annually for keeping them up.

991. Is the sepoy entitled to a pension or retired allowance after a certain number of years service?—He is entitled to an invalid pension allowance after 15 years service, if pronounced unfit for active service by a committee of medical officers; but he must have served 15 years, unless disabled by wounds or injuries received on service.

992. Is it a matter of right?—It is a matter of right after 15 years service; but those only are sent to the invalid establishment who are unfit for the service. The practice, however, of the army is to retain on the strength of regiments a great number of men who would be considered, in the British or any other service, sent to the invalid establishment as old and infirm.

993. It is proposed, with a view of not retaining men on the regiment who are inefficient, that the regulations with regard to the native army should be altered, and that the sepoy should be enlisted at a lower rate of pay, and increased according to his advancement in rank; what is your opinion of that proposition?—I do not think you could commence with giving him less than his present pay, whatever increase the liberality of Government may grant to him afterwards. I do not think the native private soldier could do with less than seven rupees per mensem.

994. Are you aware of a regulation which prohibits the men of the King's army from volunteering to remain with their regiments in India after the age of 30?—Those details are managed by the staff of His Majesty's army; it is an interior arrangement entirely, connected with the efficiency of the King's service.

995. Are you of opinion that it would be desirable that permission should be given to the men of the King's regiments in India, in case of the return of those regiments, to volunteer and enter into other King's regiments?—That privilege is granted to them to a considerable extent. I know not the age or period of service that precludes a man from remaining after his regiment is ordered home.

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996. Do you think it would be better to allow them to remain after 30 years of age?—Unquestionably; I think Europeans are perfectly capable of performing all their duties as good and efficient soldiers up to 40 years of age.

997. The Committee have been informed that arrangements have lately been made to put the system of payment in the three presidencies as much as possible upon the same footing; do you know in what those arrangements consist?—By a regulation to that effect from the East-India Company.

998. Has the effect been to assimilate the rate?—Yes; but there being many half-batta stations on the Madras establishment, and very few in Bengal, hence arises, I believe, an apparent inferiority of allowances to the Madras officers in comparison with those in Bengal, for the rates of pay, batta, and house-rent, are the same at all the presidencies.

999. Do English cadets, on arriving in India, serve in any European regiment before they join a native regiment?—There is but one European regiment on the Company's establishment in Bengal; they are precluded from serving in his Majesty's regiments at all; therefore, when that regiment is near to the presidency, and favourably situated for the young men to be sent to it, they generally are; but it frequently happens that that regiment is quartered at a distance from the presidency, and it would not be expedient in such cases to send young cadets up the country to it, consequently they are generally sent to the native regiments most favourably situated.

1000. Have you ever observed any inconvenience to arise from English officers, unacquainted with the language, and altogether inexperienced in the manners of the country, serving in native troops?—I know but of one instance, which occurred in 1808, of officers under those circumstances being required to do duty with native regiments. They were officers of rank in His Majesty's service, and put in command of light battalions, which were only embodied for a few months.

1001. A cadet receives an appointment in India, he goes to India, he is ignorant of the language, and totally unacquainted with the manners of the country, and he is called upon at once to join the regiment; have you ever observed any inconvenience to arise from that?—On his first joining the regiment there is certainly great inconvenience, but that remedies itself by practice; I must however add, that no young officer is put upon duties of importance or trust until a probation of one or two years, or until reported to be qualified.

1002. What is the amount of European infantry in the Company's service in Bengal?—One regiment

1003. Would you advise the reduction of that?—Not unless some arrangement could be provided for supplying the numerous subordinate departments of general staff with warrant and non-commissioned officers.

1004. Independently of that purpose to which you state that the European regiments could be applied, do you think it would be desirable that the cadets, on their first arrival in India, should generally as much as possible serve in the European regiments in the Company's service before they are called upon to join the native regiments?—I consider that they would be all the better if that were done.

1005. Have

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1005. Have they any invalid battalions of sepoys in either of the presidencies?—They have two battalions of invalids in the Bengal presidency, but I believe on the Madras establishment more; four or five perhaps.

1006. Are you of opinion that when a Company's officer attains the rank of major-general, it would be advantageous to the service if he were eligible to serve on the staff at either of the three presidencies, and not confined to one presidency?—The three presidencies have hitherto been so completely separated from each other that I should consider the officer in the one, being required to do duty in the other, would go there under great disadvantages and entire want of local experience. It would also in that case be necessary to establish one general system of rules, forms, regulations, and interior economy for the three presidencies, which was not the case when I left India.

1007. Do you think it desirable that the Company's army should be made a King's army?—Yes, I certainly do.

1008. In the event of such a transfer, would you propose to preserve the system of promotion by seniority in the Indian army as it now exists?—Undoubtedly.

1009. And in all other respects to keep that army distinct from the King's army?—Entirely distinct.

1010. Do you think it would be advisable that the armies of the three presidencies should be under the command of one Commander-in-chief for all purposes?—I think the details of so vast an army as constitute the three presidencies of India, the immense extent of country over which they are dispersed, and the difficulty of ready communication over such a vast space, would render it advisable that the three were kept separate, but with a controlling power given to the one over the others.

1011. You have stated that you would think it advisable that the Company's army should be made a King's army; what are your reasons for holding that opinion?—Because I think it would diffuse a higher spirit of military feeling among the officers. The higher tenure by which they would then hold their commissions; the spirit of patriotic feeling and consequent self-estimation as soldiers of their King and of their country which would then be kindled in their breasts, would add infinitely to their present professional pride.

1012. Would there be any greater difficulty in concentrating all the power in the Commander-in-chief in India, than there is in concentrating the powers in the Commander-in-chief in England, considering the dispersed state of the army over almost every country in the globe?—That depends much upon the interior regulations existing in the several armies.

1013. How is the clothing of the army in Bengal supplied; by agency or by contract?—The clothing is supplied by agency; the material, that is broad cloth, is sent out by the East-India Company to the clothing agent; and I believe the making it up is a matter of contract.

1014. Is the army well supplied with clothing; is the quality good and the quantity sufficient?—I think that the quality might be improved, and the fit particularly might be improved. The Bengal army is, I consider, indifferently clothed; the Madras and Bombay much better.

1015. Are you aware that at Madras the army is supplied by contract?—I am not aware.

1016. Have

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1016. Have you understood that at Madras it is superior to Bengal?—It is made up in a superior manner.

1017. How is it that the fitting is better managed at Madras than at Bengal?—I think they have paid more attention to it, and they have not been so much shackled with regard to expense. On the Bengal side there is more attention paid to the savings of the off-reckoning fund, and the clothing is thus very naturally not equal to that of Madras or Bombay.

1018. Are the off-reckonings greater at Bengal than at Bombay and Madras?—The Bengal presidency furnishes a greater surplus sum for dividend than the others proportionably; but the funds of the three presidencies are joined for general and equal division among their colonels of regiments.

1019. Will you have the goodness to state the constitution of the military board in Bengal?—Since I left India, in 1828, a very considerable change has taken place in the constitution of the military board. When I left India the military board consisted of the Commander-in-chief, as president, the general officer commanding the presidency division, the military auditor-general, the chief engineer, the commandant of artillery, the adjutant-general and the quartermaster-general, as members, with a secretary and assistants.

1020. What were the general duties of that board?—The duties of that board consisted in a general superintendence of the ordnance, the barrack and the commissariat departments of the army; the arsenals were under their control, and generally speaking, the whole military stores and *materiel* of the army.

1021. Do you consider that the duty could be properly conducted by a board composed of officers having each of them departments of their own which required almost their exclusive attention?—No, I certainly do not; I considered it to be in my own case a duty which I seldom could find leisure to attend to in an efficient manner. Vast loads of papers on all subjects were circulated to the members; but I am sure the adjutant-general never had time to look leisurely and attentively into the subjects of them, certainly not into the calculations at all.

1022. Was the duty done by discussion at the board or individually; was the business parcelled out to different individuals composing that board?—The business was done by a weekly meeting at the board; where papers were read by the secretary, and matters discussed; and, as I said before, a vast mass of public papers was also circulated by the secretary, for the perusal of the members, and for recording such minutes as they chose to make on the several subjects.

1023. Did all requisitions for the various services connected with the duties of the military board come before that board, such as the requisitions for stores, requisitions for additional assistance in the various departments of the ordnance, and the barracks, and in the gun-carriage department?—All was done by requisition to the military board, without whose permission no stores could be supplied, nor additional assistance given; the materials were entirely under their control.

1024. Did all estimates for works and repair of fortresses and of barracks come before the military board also?—Always.

1025. Did all inventions connected with carriages and the improvements of artillery and of guns of every description come before the military board?—Yes.

1026. Do

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1026. Do not you consider that duties of this nature would require a separate department in itself, in order to consider them fully, and to go properly into the details of such a vast department of business?—I consider that the commandant of artillery, the chief engineer and the auditor-general were very properly members of that board, for besides being peculiarly and professionally qualified, they could find leisure for the performance of these duties; but with regard to the adjutant-general and the quartermaster-general, their time was so occupied with the vast details of their own departments, that I do not think that they possibly could have bestowed that attention to the duties of the military board that was desirable for a due performance of them.

Colonel JOHN MUNRO called in and examined.

1027. How long have you been in the Company's service?—About 41 years; Colonel *J. Munro*
I went out in 1791 to India.

1028. What appointment have you held?—In 1794 I was made adjutant of a battalion of sepoys; in 1796, quartermaster of brigade; in 1799, brigade-major of a division employed upon service in the Northern Circars; in 1800, I was appointed secretary of the military board of Madras, and in the same year I went as brigade-major to the southern districts, under the command of the adjutant-general of the army, Colonel Agnew; in 1801, I was appointed secretary to the Commander-in-chief; in 1803, deputy quartermaster-general of the army; in 1806, quartermaster-general of the army; then Persian interpreter to the army; and in 1810, resident at the court of Travancore and Cochin, which is the last office I held in India.

1029. Those services have been chiefly, if not entirely, in the presidency of Madras, have they not?—Entirely; I have been at Bengal and Bombay, but not on military duty.

1030. When did you last leave India?—In 1825; I came home in 1819, but went out again.

1031. From the appointments you have held, you must have a very good opportunity of speaking as to the discipline, spirit, and efficiency of the native army; will you be good enough to state your opinion on those heads?—In all those points the spirit, discipline, and efficiency of the army have varied very much at different periods of our military history in India; the constitution of the army itself, both European and native, has experienced repeated changes at certain periods of our history. The native troops have been distinguished by the most unshaken fidelity to the British interests, even in circumstances of great difficulty and distress to themselves; and at other periods instances of a very different character have occurred.

1032. Have you observed any difference in those respects in sepoys from different districts of the same presidency?—A less marked difference in latter times; formerly the sepoys enlisted in the Carnatic were generally considered as more faithful, and also as better soldiers than the men enlisted in the Northern Circars, who very frequently deserted in great numbers when their corps were moved to the southern districts of the presidency. Latterly, however, this has not been the case, and the whole of the men recruited in all the several districts, may be considered as animated with the same feeling and spirit.

1033. Are

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1033. Are the native soldiers, as such, in a better condition than the same description of persons out of the service?—I should consider that they certainly are, especially since the subversion of the Nabob's government.

1034. Has any difficulty been found in recruiting the army and completing the establishments?—Not at present, but at one period of time, just before the conquest of Mysore, there was very great difficulty found in procuring recruits, and in maintaining the battalions in a complete state; the desertions were very frequent: this was a cause that induced the Madras government, with the sanction of the Court of Directors, to increase the pay of the native troops at Madras from five rupees to seven rupees a month; an increase, however, which did not take place until 1800, after the conquest of Mysore; and this has produced a difference between the pay of the Madras and Bengal sepoys which exists to the present moment.

1035. Does that difference exist when the armies of the three presidencies are brought together?—I believe it did until the time that I left India.

1036. Are the general habits of the native soldier well calculated for the service?—I think they are extremely so; and perhaps at Madras better for all the kinds of service to which the native troops may be called, such as embarkation on foreign expeditions, than the Bengal sepoys.

1037. From what does that arise?—Because the Bengal sepoys are men of a higher caste, and they object to go to sea.

1038. Are there any feelings of preference given to any particular arm of service, the cavalry, the infantry, or the artillery?—Cavalry of course is preferred.

1039. In what arm do you consider the sepoy most efficient; as an artilleryman, a cavalryman, or infantry soldier?—I should think they are equally efficient in the three services: but perhaps less so in the artillery than in either of the others.

1040. What are the pay and allowances of a sepoy at Madras, in comparison with the wages of labour and the prices of subsistence?—I should suppose, in comparison with the prices of labour generally in the country, that their pay is superior. With regard to the servants of Europeans, it may be considered pretty much upon an equality with the wages usually given to them.

1041. Is there any difference of pay or allowances between the King's and Company's troops in India?—I am not aware at present of any difference with respect to the officers, excepting that the King's officers do not receive tent allowance in time of peace; this is, however, now the case with the officers of the Company's European troops.

1042. Is there a difference between the pay and allowances of the sepoy in the three presidencies?—There is. I mentioned the increase of the pay to the troops at Madras in 1800, occasioned by the extreme difficulty of procuring recruits, and I understand that the Madras rates of pay were afterwards adopted at Bombay.

1043. Is that difference a matter of complaint or discontent?—I should think only when the troops are employed together; but then it does not subsist by the late regulation; however, I have understood that the Bengal sepoys on some occasions have stated as a grievance, the superior pay received at all times by the Bombay and Madras sepoys.

1044. Do the European officers in native regiments live much with the men?—Of course not.

1045. Is

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1045. Is the more minute superintendence left to the sepoy officers?—Necessarily very much, from the habits of the men.

1046. Do you think the native officers are sufficiently encouraged?—Judging from their conduct hitherto, I should say not; because on all occasions of mutiny or revolt they are always the ringleaders, almost always the instigators.

1047. Are there any additional advantages which you would recommend being given to them?—A further increase of pay might be given to a few officers, for at present, when a native officer arrives at the rank of a native soubahdar, all future advancement is precluded.

1048. Would you recommend that they should be admitted to a higher pay after so many years service?—Unquestionably; I think it would be a very desirable arrangement.

1049. Do you think the pay and allowances of the Company's Europeans officers are sufficient, in their several ranks at the three presidencies, for the expenses they are subject to?—I do. I do not think there would be any advantage in increasing the pay or allowances of the lower ranks of officers; the object is to increase the emoluments of the higher, to hold out hopes and expectations to the lower ranks of officers on obtaining higher rank.

1050. What is your opinion of establishing different rates of allowances in the field and in cantonment?—On every military principle the allowances ought to be higher in the field than in garrison, because officers are unavoidably subjected to considerable increase of expense on taking the field, and that has been a principle followed at Madras.

1051. Are you aware what is the corresponding expense between an European regiment and a native regiment of cavalry or infantry?—I am not aware; it is a matter of calculation entirely; I cannot state specifically what the difference is.

1052. Will a native regiment bring more effectives into the field than an European regiment?—With regard to numbers certainly, because they are less subject to illness.

1053. What number of European officers do you consider absolutely necessary to be present doing duty with a regiment of sepoys, cavalry or infantry?—At least one officer to every company in the field, perhaps more, besides a commanding officer and staff.

1054. Has inconvenience arisen from the number of officers taken from native regiments for employment on the staff?—Certainly; there has been frequently a great deficiency of officers doing duty with their corps.

1055. Can you suggest any plan by which that inconvenience might be obviated?—Several plans have been suggested; one, for instance, of forming separate skeleton corps, which I consider to be a very unmilitary plan, and extremely difficult of execution: for instance, a skeleton regiment must be composed of the same number of officers in the several ranks as the other regiments, in order to have the same chance of promotion with them; as a regular regiment consists of five captains, eight lieutenants, and four ensigns, and as most of the officers absent on staff duty and furlough are from the higher ranks, it would be almost impracticable to form skeleton regiments that should supply the exact number absent, because there are probably as many captains absent as lieutenants and ensigns; then with regard to the

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military principles, the officers of the skeleton regiments would have no corps of men to which they would be permanently attached ; they would be moveable from one regiment to another of the regular army, according to the casualties of the service, and therefore would have no motive to attach themselves to any particular corps, or make themselves acquainted with the character of the men belonging to the corps to which they were only temporarily attached.

1056. Would you think it desirable to have a general order, permitting a certain number of officers only to be absent from each regiment on the staff?—I should think not ; that would limit the field of selection to the Commander-in-chief and Government, of officers fit for staff situations ; if there should be a deficiency of officers in any particular regiment to a considerable extent, officers might be appointed with as much propriety to supply that deficiency from a regular regiment, where there was a greater number of officers, as from a skeleton regiment.

1057. Is that the plan that you would most recommend ? —I would propose, if the deficiency is now found to exist, an increase of the officers in the regular regiments.

1058. As head of the quartermaster-general's department in Madras, what number of officers had you under you in that office?—It varied at particular periods ; I had a deputy quartermaster-general, two assistant quartermasters, and an assistant at each division of the army.

1059. Is it necessary that an officer should have done regimental duty with troops before he is allowed to hold a staff situation?—It is ; instances have occurred of persons being appointed to staff situations who have never joined a regiment, but they are exceedingly rare, and are not likely to recur.

1060. Is it not essential for the interests of the service that a rule should exist, preventing any officer going on the staff until he has done regimental duty for at least two years?—Unquestionably.

1061. Instead of skeleton corps, would it not be desirable to add a captain and subaltern to each regiment?—A certain proportion to meet the wants of the army, according to the discretion of the Government. I believe there are more officers now present for duty than formerly, because there was frequently a deficiency of ensigns ; at present the regiments are complete, and therefore there are more officers actually doing regimental duty than at any time when I was in India ; but it would still be desirable to increase them.

1062. Are the casualties, from employment on the staff, and from furlough, and from sickness, at times very great in European regiments?—Yes, they are.

1063. Is there a fair proportion of commands and staff appointments given to the King's service and to the Company's service in the several ranks?—Commands and staff appointments must be considered very different from each other. In general it is a complaint of the Company's army, that on service in the field the superior commands are given generally to the King's officers. Staff appointments, on the contrary, are the reverse, and must necessarily continue so under the present constitution of the service.

1064. As you desire some additional advantage being given to the native officer, would you recommend the occasional appointment of a native officer on the staff of a general officer?—I think it would be certainly desirable ; I know that it would be very gratifying to the native officers themselves.

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1065. Are they fit for any situation in either the adjutant-general's or quartermaster-general's department?—In the quartermaster-general's department there is a corps of guides having ranks in some degree corresponding to the native officers in the other branches of the army. I think that native officers might be attached to both these departments with advantage to the service; appointments of that nature are always gratifying to the feelings of the native officers.

1066. In the event of native officers being appointed to situations as aides-de-camp, would there be any difficulty in living with the other officers upon the staff?—They never would associate at table; they might occasionally sit down at breakfast, but they would not dine together upon meat.

1067. Are the pay and allowances on the staff the same to the King's officers as to the Company's officers?—I believe they are; with the aides-de-camp and brigademajors, I think, exactly the same.

1068. Is the crime of desertion frequent among the sepoys in the presidency of Madras?—Not latterly.

1069. Are furloughs frequently given to officers and men in native regiments?—The number is limited by regulation.

1070. Could it with advantage to the service, in your opinion, be added to?—It is matter of internal regulation, that will depend very much upon the discretion of the Commander-in-chief. I believe there will be no inconvenience whatever in increasing the number.

1071. Do you think that it would be advantageous to make a regulation by which the pay of the sepoy should be increased according to the rank of service, beginning with a lower pay?—I think, if a very few, both officers and men, received a higher rate of pay after a considerable period of service, it might be of advantage in inducing them to remain longer with their regiments, but it should not apply to a great number.

1072. The Committee have been informed, that in the opinion of some officers of great experience in India, it would be advisable to make this alteration in the regulations with regard to enlistment, that the sepoy should be enlisted under a lower pay and allowance than that which he now receives, with a view of increasing that according to the rate of service; should you think such an arrangement desirable?—It is one that I have not fully considered. At present, with the battalions of Madras and Bombay, there is an establishment of sepoy recruits upon half pay, generally sons and relations of the sepoys, who, when brought upon the effective rolls of the battalions, receive full pay. I do not know that any material benefit would arise from the arrangement proposed, except that after a considerable period of service, an increase of pay might be useful in inducing the men to continue longer in the service, for they are now anxious to go upon the invalid and pension list; but I consider it dangerous to touch anything connected with their pay, so as to reduce any part of it at the present moment; the sepoys are easily alarmed, and to reduce the pay of the younger sepoys, in order to increase that of the older, might occasion apprehensions in their minds of further changes; but if a small increase were given, after a considerable period of service, I think it might be advantageous.

1073. The duties of the adjutant-general and quartermaster-general in Bengal are understood to differ from those in Madras; are you aware of the circumstance

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in which that difference consists?—For a long period of time the Adjutant-general of Madras discharged almost all the duties of the staff; even the movements and distribution of the army were arranged by the Adjutant-general. Afterwards, when the present Lord Howden was Commander-in-chief at Madras, he made the same distribution of duties between those officers that subsists in this country.

1074. Do you consider the footing upon which those departments now exist at Madras to be satisfactory?—Quite so; but whether the same allotment of duties extends to Bengal I am not able to state.

1075. Do you know what is the amount of horse artillery at Madras?—I understand reductions have been made lately by Mr. Lushington's government, and I am not aware what it now is.

1076. Do you know how the clothing of the army is supplied at Madras?—At present, I have been informed, by contract; there was an agency until lately, but I understand that it has been abolished, and the contract has again been established, which was the mode that had been previously followed for many years.

1077. Which should you consider the most advantageous?—I have understood the agency was abolished on account of its inefficiency.

1078. What is your opinion of the goodness of the articles that were supplied for clothing while you were in Madras?—In general they were not complained of: sometimes they were badly fitted to the men; but they have been usually of a sufficiently good quality.

1079. Are you aware of a regulation that prohibits the soldier of the King's army from volunteering to remain in the service after the age of 30?—I am not aware of such a regulation.

1080. Was that the case when you were in India?—I do not believe there was any regulation of the kind.

1081. Were soldiers in the habit of volunteering under those circumstances?—Yes.

1082. Should you think it desirable that they should be encouraged?—I should think so. I remember a regiment in which the commanding officer endeavoured to bring home as many men as he could, and induced upwards of 200 to return with him, and they were very unequal to the duty in this country; he was obliged to discharge them as soon as possible.

1083. Would those men have been efficient for service in India?—Quite.

1084. Would not the reduction of expense be very great, in saving the bringing of men to Europe, and taking other men out of Europe?—I should conclude so.

1085. You stated that there have been periods at which the general spirit of the Madras native army was far from satisfactory?—I may say, at some periods of time, of all the native armies in India.

1086. When was the latest of those periods?—The latest period in which that dissatisfaction was very strikingly marked in the Madras army was a mutiny contemplated by the troops at Quilon in Travancore in 1812. The affair at Barrackpoor may be stated as the latest occurrence of the kind in the Bengal army.

1087. Do you consider that the spirit of the Indian army has of late years materially improved?—It has varied at different periods; but if I may judge from the
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zeal with which the Madras army embarked for Ava, with scarcely the loss of a man by desertion, I should conclude that they are very much attached to the service at present.

1088. From your experience in the service of the East-India Company, is there any suggestion which you can propose to the Committee, that might have the effect of improving the efficiency or the spirit of the service in general?—I should consider that the most desirable arrangement is to re-establish the regulation adopted in 1796, by which Company's officers, on obtaining a regiment, acquired the rank of colonel, without reference to the King's service, or the King's brevet. With regard to the men, they have very great advantage in the invalid and pension lists; and I am not aware immediately of any improvement that might be introduced into the service, further than those which have been already adverted to.

1089. Are the regulations of 1796, to which you allude, not now in force?—They were objected to by the King's officers, for a time abolished, and again re-established, with the important exception, that a Company's lieutenant-colonel, after obtaining a regiment, and consequently the rank of colonel, is still commanded on duty by all King's lieutenant-colonels who are senior to him as lieutenant-colonel.

1090. Are you of opinion that when a Company's officer obtains the rank of major-general, it would be advantageous to the service if he were eligible to serve on the staff at either of the three presidencies, and not confined to one presidency?—Unquestionably. I consider it desirable to view India as a whole, and that all our armies should be available for service at any one of the presidencies.

1091. If that were carried into execution, would it not be necessary to equalize the allowances of the armies belonging to the three presidencies?—It would be desirable, unquestionably.

1092. How would you propose that those allowances should be equalized; by raising the lowest to the highest, or by depressing the highest to the lowest, or by taking the medium between them?—I should recommend a new arrangement altogether, by which the allowances in war should be made higher than those in peace.

1093. Could such an arrangement, in your opinion, be made with expediency?—I should think so; it has been in contemplation, and calculations have been made I believe by the board with regard to the probable expense of it.

1094. Would not the effect of making such an arrangement be that of lowering the present pay and allowances at some of the presidencies?—In peace perhaps Bengal officers might receive less than they do at present; but they would receive proportionably more in the field.

1095. Would the pay of a private soldier be affected by such an arrangement?—No.

1096. Do you think it would be desirable that the Company's army should be made a King's army?—This is a difficult question, and not easily answered at once; there are advantages in the present constitution of the Company's service, and there would be many also in the alteration suggested.

1097. What is the general nature of the country of Madras?—Of every variety; mountains covered with underwood, and very extensive plains; the two ridges of Ghauts converge from the north towards Cape Comorin.

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1098. Can you state generally the proportions of infantry and cavalry attached to that army?—There were two regiments of King's dragoons until lately, when there has been only one : in the Company's army there were eight regiments of native cavalry, and 50 of native infantry.

1099. What native powers exist in that portion of the peninsula, independent of the Company?—Absolutely independent, there are none. The Travancore and Cochin rajahs occupy the south-western extremity, near Cape Comorin ; there is the Rajah of Mysore, the Nabob of the Carnatic and Rajah of Tanjore, who have not the territorial management of their countries ; there are a number of inferior rajahs and polygars scattered all over the territories dependent upon Fort St. George.

1100. Are those countries occupied by the Company's troops?—They are all, except Travancore. I have understood that the Madras government has lately withdrawn the subsidiary force from that country.

1101. With respect to any danger to be apprehended from those powers, is it not totally put out of the question?—Unquestionably, in the present state of circumstances ; but if any commotion or war were to arise, dangers might still result from them.

1102. You were in the situation of quartermaster-general?—Yes, I was.

1103. Did you ever consider from what quarter the greatest danger was likely to arise with regard to the Madras presidency, in case of war?—From invasion by a foreign enemy, such as France.

1104. Putting out of consideration all danger arising from invasion, or from any attack coastwise upon the land frontier, from what quarter do you consider that danger was to be apprehended of late years, since the Mahratta war?—On the north there is no danger immediately to be apprehended, because the Nizam is in a subsidiary state, and we occupy the Mahratta country contiguous to our frontier.

1105. May not the Madras army be considered a species of reserve to the Bombay and Bengal armies?—From the central position occupied by the Madras army, it has great advantages in case of any general danger being threatened to India, because the mass of its force could be moved to either extremity, at the right or left, with more expedition than the forces of the Bengal or Bombay presidencies could be moved from one extremity to the other ; and if our northern frontier were attacked, the Madras army would, of course, act as a most useful reserve to the troops most in advance in that direction.

1106. Do you not conceive that, speaking generally on the military policy of India, the line of operation that a hostile force would pursue would be the line of the Ganges down upon Calcutta?—It is difficult to state the line that would be taken ; Bombay also might invite attack ; Bengal would be likely to be attacked, as being the centre of the empire and the richest part of it ; but in other respects Calcutta is rather in the extremity, out of the proper line of invasion for the attack of all India. Bengal, from being the richest of our provinces, and the seat of our power and resources, would probably be made an object of attack, because the most effectual blow would then be given to our dominion.

1107. What quantity of force do you consider absolutely requisite for the internal duties of the Madras army?—The present Madras army furnishes the Nagpore and Hyderabad subsidiary forces ; it occupies the Northern Circars as far

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far as Cuttack, the Malabar coast, Mysore, the Carnatic, Tanjore, the southern districts and Travancore. I should suppose that for the maintenance of internal tranquillity in those countries, and in order to possess the ability to assemble a force for operations in the field, the present amount of troops would be necessary, and that very little reduction could be made.

1108. If you were called upon to reduce 10,000 men of the Madras army, at what stations would you consider it most advisable to reduce to that amount?—I suppose that we are precluded from reducing any at Nagpore and Hyderabad, because the subsidiary forces must always be maintained according to treaties; the reductions must be drawn generally from the rest of the country, according to the discretion of the local governments.

1109. What is your opinion of the efficiency of the native cavalry, as compared with the King's regiments of cavalry, with regard to courage and discipline?—The native troops are in an excellent state of discipline, but of course the European are always superior to the native; our power depends essentially upon the Europeans.

1110. What should be the relative proportions of the European infantry to the native infantry?—I should say about one-third of European; that was the proportion long observed at Madras; indeed we had sometimes rather more; now we have considerably less. I once conversed with Sir Thomas Munro on that point, and he expressed his opinion very decidedly that there should be that proportion.

1111. What number of divisions is the Madras army divided into?—There is the Centre division, the Northern division, the Southern division, the Ceded Districts, Mysore, Malabar, Canara, the Travancore subsidiary force, the Nizam subsidiary force, and the Nagpore subsidiary force.

1112. How many general officers' and brigadiers' commands are there?—I am not aware at present; all those commands are considered as general officers' and brigadiers' except the Travancore subsidiary force, which has always been commanded by a colonel.

1113. What is the pay of a general officer at Madras?—I am not aware, but it is in the table of pay and allowances.

1114. What allowances are given to the Madras army and what is the number of them?—There is a batta gratuity and tent allowance, horse allowance to staff officers and cavalry officers, and command allowance, varying according to the extent of the command.

1115. Is there any allowance for fuel?—No.

1116. What is the constitution of the military board?—The military board consists of the Commander-in-chief as president, the Adjutant-general, Quartermaster-general, Chief Engineer, Commandant of Artillery and Military Auditor-general.

1117. Do not the duties of that board practically fall into the hands of the secretary, from the necessity of the officers composing it dedicating their time to their respective individual duties?—Unquestionably. The Commander-in-chief ought to be the president of the board, from his authority over the army, but there ought to be attached to the board a vice-president, having no other duties to attend to than the duties of that board.

1118. Would it not be better to re-construct that board, and put it into the hands of officers who had nothing else to do?—Far better.

Jovis, 22^o die Martii, 1832.

The Right Hon. Sir JOHN BYNG in the Chair.

V.
MILITARY

22 March 1832.

Major-Gen.
So T. Pritzler.

Major-General Sir THEOPHILUS PRITZLER called in and examined.

1110. You have served for some time in the East-Indies?—I have.

1120. At the presidency of Madras?—At the presidency of Madras.

1121. In what capacities have you served, and how long?—I went out in 1815, and returned home about six months ago; but during that period I came once to England for about a year, or a little more; consequently I was actually serving in India about 12 years.

1122. In the King's service?—Yes.

1123. During a great portion of which you held high commands?—I first of all commanded a regiment of dragoons; afterwards a brigade, consisting of my own regiment and two native corps; after that I commanded the reserve division of the army of the Deccan. Upon that army being broken up, I was appointed to command a field division of the army which occupied the southern Mahratta country. I then returned to England; and on going back again as a major-general, I was appointed to command the southern division of the Madras army, and latterly the Mysore division of that army.

1124. Will you have the goodness to give the Committee your opinion generally of the discipline, the spirit, and efficiency of the native army?—I consider the spirit and discipline of the native army of Madras to be exceedingly good, and the corps, generally speaking, very efficient. The Madras army has, upon all occasions, shown its readiness to go on foreign service; and whenever it has been employed, I think it has always acquitted itself well.

1125. Is there any difference apparent between the sepoys of different districts in the same presidency?—I think some of the natives of some parts of the Madras territory are more active and better soldiers than others; but, generally speaking, I think the whole of them are very excellent sepoys. Some are larger, others smaller; but I do not think there is much variation in their eligibility.

1126. Do you consider them equally good in all three branches of the service, artillery, cavalry and infantry?—I think the infantry is as good as it possibly can be; I think that the cavalry is good, but there is room for improvement. With regard to the artillery, I never myself had a great opinion of the native artillery; I always doubted the rendering them efficient, and, if it were practicable, the policy of so doing.

1127. Are the sepoys in the service generally well satisfied with their condition?—I think they are particularly so; because there is no greater punishment that you can inflict upon a sepoy than to order him to be discharged; and desertion is very rare.

1128. From that answer, are the Committee to consider the military service is popular with the natives?—It is, most assuredly.

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1129. The sepoy soldier is temperate in his habits, and easy in his management, is he not?—Particularly so.

1130. What are their feelings towards the European officers in their regiments?—I should say very good; very much attached to them, provided they are properly commanded.

1131. What is the bare allowance of the sepoy soldier in Madras?—I am afraid I cannot answer that question without reference to papers.

1132. As compared with the price of labour it is good, is it not?—Certainly high compared with the price of labour.

1133. In what respect does the pay or allowance of the sepoy in the field or in cantonments differ from that of the European, or the soldiers in the King's service, either in India or in other parts of the world?—I am afraid I cannot answer that question without reference to papers.

1134. Do you consider it desirable that the European officers should be trained up with the sepoys through the different steps of promotion?—I think so, so long as they are regimental officers. I think the management of the sepoys and the Europeans so widely different, that the sepoy officer is not calculated to manage Europeans, or the European officers to manage sepoys, *regimentally*.

1135. Would you recommend then, that young officers, upon first going out to India, should be appointed at once as sepoy officers, if they are going to remain in that service?—Certainly.

1136. It would not be preferable first to do duty with the European regiments?—I should doubt it, because I think that the officers trained in the Company's European regiments have been by no means their best officers, but rather their worst, when employed with sepoys.

1137. Do you think the regulations of the service give sufficient encouragement to native officers?—The native officers are not what they formerly were; they were formerly composed of what I should call native gentlemen; they are now composed entirely of the non-commissioned officers of the corps who have risen to be native officers, and consequently, I think, they are sufficiently well provided for; the being a native officer is a sufficient reward; and when they are no longer able to do their duty they are pensioned.

1138. Is there much difference between what you call the native gentlemen and the description of persons who have been formerly non-commissioned officers, and have risen to the degree of officers?—We scarcely know such a person on our side of India as a native gentleman.

1139. Is the pay and allowance of the officers in India ample for the expenses they are liable to?—Do the Committee allude to European or native officers?

1140. To the whole European and native generally; is the pay and allowance to officers in the Company's service in India, as well as to the King's troops, sufficient for the expenses to which they are liable at all times?—It is certainly, but it is only just so.

1141. You have of course served in other parts of the world?—Yes.

1142. How do you compare the two?—Why, I think the junior ranks can but live in India, and that is what they can do in other parts of the world. I have served in the West-Indies; we have frequently made comparisons, and we always
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considered that the officer was at the end of the year in about the same situation in India as he would be if he were in the West-Indies; he was only able to live, and that with great and rigid economy.

1143. Would it be desirable to assimilate the whole of the armies of the three presidencies in all respects?—The King's, the Native, and the European armies of the three presidencies?

1144. Yes?—I think they cannot be assimilated too much; but the distances are so great that I should doubt the advantage of moving native corps, particularly from the Madras establishment, where their homes are, and where all their relations reside.

1145. Would that apply to the other two presidencies?—I only speak of one, because the native army of Madras is composed so much of families; a regiment of 200 or 300 families, and they all have their residence in a particular part of that presidency; and if you remove them from that you destroy the chain, and I doubt whether they would bear it; it would be like going abroad to them.

1146. The allowances both to the officers and men are not the same at each of the presidencies, are they?—I believe not. I believe the Bombay and the Madras armies have generally had nearly the same allowance, though that of Bengal was greater; but I have reason to believe that the late reduction has brought them all nearly upon a level.

1147. Do you not consider it desirable that they should be equalized?—Certainly, as far as circumstances will admit. There are some situations where allowances may be greater or less than others; that has been a sad bone of contention.

1148. Are the habits of expense of the officers at Madras very great?—The officers in the Madras army are exposed only to the expense of their mess; all the officers in India must keep a horse to enable them to do their duty; beyond that I am not aware that their expenses are much greater than in any other foreign station, except for servants.

1149. Are the habits of expense more at Madras than at the other two presidencies?—I have always considered that the habits of expense were greater in Bengal than anywhere; and the Madras and Bombay very nearly equal.

1150. What is your opinion as to the propriety of establishing different rates of allowance in the field and in cantonments?—I think it is very desirable to have a different rate of allowance in the field, because officers are exposed to greater expenses for the carriage of their tents and baggage; if that was given them when in quarters as a consolidated allowance, they would spend it, and would not have the means of providing what was required in the field.

1151. You have always been in the cavalry service, have you not?—I have been in both services. I was seven or eight years in the infantry.

1152. Do you consider the native troops good horsemen?—I think they might be better.

1153. Do they take good care of their horses?—I think not so good as they ought to do.

1154. Are the horses that are provided, both for the King's troops and the native troops, good and fit for the duty?—I think they have generally been as good as were procurable; but the Madras cavalry have suffered very much of late years from

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from a very large proportion of horse artillery, which took from them all the best horses, and by the expenditure of them, left only the very refuse for the native cavalry.

1155. The horses are provided occasionally from the stud, and occasionally by contract, are they not?—There is no stud at Madras; they are all brought down from the Persian Gulf by sea, and purchased by the commissary for the army.

1156. What is the average price of the troop horse; its prime cost?—It rests entirely with the commissary; he gives various prices; it is hardly a question I can answer; but I believe the average is from 350 to 400 rupees.

1157. Do you consider that the horses are better when they are under cover than when they are not under cover?—I should prefer their not being under cover, because the Madras army is so constantly employed in the field, that I think they would be injured if they were removed from that corps; added to which, I see no very great use in it, because I always found the horses in the Madras cavalry particularly healthy.

1158. What average number of years do you expect a troop horse to last in that country?—The annual expenditure of my own regiment was not above seven per cent. I know that of the native cavalry at the same time amounted to about 14, that is, for the loss of horses during the year; and I have heard, but it is only from hearsay, that the horse artillery amounted to 28; but I should think the fair average would be about 10 per cent. taking the service generally.

1159. Which service, the King's or the Company's service, has the advantage of promotion without purchase throughout the various grades?—It has varied of late years, owing to the augmentation of the Madras army; the Company's officers have the advantage of the King's at present.

1160. Without purchase?—Without purchase, and with purchase; but this has varied exceedingly, and will vary again; formerly the advantage was in favour of the King's; the augmentation of the army has put it in favour of the Company's; but if the Company's army is not increased, it may revert to what it formerly was in favour of the King's; at present I consider it at Madras decidedly in favour of the Company's.

1161. Which officers in the King's or the Company's service obtain the greater number of divisions or stations of command?—The division commands are fixed, because they are given to the general officers. At Madras we have latterly had two King's generals and three Company's, besides the Commander-in-chief. The commands of stations I think more generally are left to the Company's officers; they have the power of removing the Company's officers from corps to corps, and the King's officers are obliged to remain with their corps. Consequently the Company's officers have the advantage, as they cannot move a King's officer to give him a command. The rank of colonel, which is now given to lieutenant-colonels-commandant, will bring them over all the King's officers; they now get the rank of colonel with that of lieutenant-colonel-commandant, and from that date they take their rank of major-general; the King's officers do not.

1162. Would it, in your opinion, be an advantage to the officers of the two services if the army of the Company was to be made a royal army?—I should say certainly.

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1163. Upon what principle could such a transfer be made?—The native army, in my opinion, must be kept as distinct from the European army as the British artillery is from the infantry and cavalry, because the officers require a different education. The Company's European regiments are upon a very small scale, and might very easily be disposed of, and at present they certainly are only calculated to make indifferent sepoy officers. I should fancy the only way, if such an incorporation were requisite, would be to incorporate the artillery with the royal artillery, and the varied service of that artillery would certainly be very beneficial to the service at large.

1164. Would you recommend that the three armies should be united, or would you have them to continue as three distinct armies?—I think, for the reasons I before stated, the sepoy corps should be kept distinct for each presidency.

1165. But do you mean that the Commander-in-chief in India should have the sole command of the three armies?—Most assuredly; because, by having three Commanders in-chief, which we have at present, (the Commander-in-chief in India commands the Company's army only at the presidency where he is stationed,) three systems are constantly going on.

1166. What number of European officers do you consider it desirable to have with each native regiment?—I think they ought always to have a field officer to command the staff, and one European officer per troop or company; but to have that number, a greater proportion must be allowed on the establishment, to make a sufficient allowance for officers on the staff and on furlough.

1167. What is the average proportion of officers generally absent from staff appointments on furlough?—There are eight companies; that is, eight and the two staffs are ten, the commanding officer eleven; there ought to be twelve officers present. I should think they would require at least twenty officers to insure twelve being present, which I consider necessary.

1168. Great inconvenience has arisen to the service at times, has it not, from a very great proportion of the officers being appointed to the staff in one particular regiment?—It has been particularly so, but by the late regulations they are equalizing. They will not now allow the officers to go from a regiment to the staff when they have their proportion already there; it is a late regulation. I can recollect a regiment of native cavalry under my command falling to the command of a native officer; but by the late regulations, the proportion of officers on the staff, and on furlough also, will be equalized, because if a regiment has too many on furlough they will not allow an officer to go on the staff.

1169. What was the date of those regulations?—They were just getting in force as I left India; they are about a year or a year and half's standing; they are not yet in force throughout the corps, because they only take effect as the officers remove; they do not send a man from his staff appointment.

1170. Is that regulation applicable to the three presidencies?—I am not able to say.

1171. The officers, in time of peace, at the presidency of Madras, are not in receipt of full tent allowance, are they?—I think the officers of the Madras army always receive full tent allowance, with the exception of the officers of the European regiments, upon the principle that the officers of native corps are constantly employed

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ployed in treasure escorts, and those sorts of detached duties which the officers of the European regiments are not, and therefore they have always granted to them the full tent allowance.

1172. Do the officers prefer service in a European regiment to a native regiment?—The Company's officers prefer the native corps.

1173. An officer, on his first arrival in India, takes his chance whether he is appointed to a European or a native regiment?—He does; and in that corps remains till he obtains the rank of lieutenant-colonel, unless removed by augmentation of the army. They never remove them from regiment to regiment till they obtain the rank of lieutenant-colonel; then they are disposable.

1174. Is not the brevet rank of captain given to subalterns of 15 years service?—It is, for the King's as well as the Company's.

1175. Is that a measure of equal advantage to the King's and the Company's officers?—I do not think that it is of equal advantage, because it is perfectly local to the King's officers, whereas it gives the Company's officer a claim eventually to a brevet rank of major, and therefore it is a greater advantage to the Company's officer than it is to the King's.

1176. Do you think it advantageous that there should be one Commander-in-chief for the three armies, and a commander of the forces to manage the details of each presidency?—I should think it would be most desirable.

1177. Would you in the same way recommend an adjutant and quartermaster-general for the three presidencies, with deputies at each station under them?—I think that there should be but one head of each of those departments.

1178. For all India? Yes, for all India.

1179. And deputies for each department of each presidency?—Yes; of each department at each presidency; but it requires a little qualification; the armies of each presidency are very large, and would require officers of high rank to fill the heads of departments; therefore they must be considered in a different light to deputies in general.

1180. Do you consider it a matter of importance that the officer holding the situation of Commander-in-chief should previously have served in India?—I think it most desirable, because he is half his time in learning the common names of things and places.

1181. In like manner, if a person was appointed as a general on the staff in India, it would be desirable that he should have had previous service in India?—I think so, certainly.

1182. Have the officers of the Company's service been ever in chief command in India?—I believe only in consequence of the death of the King's officer who has commanded; the Madras presidency was commanded by Generals Bowser and Doveton after the death of Sir Alexander Campbell, and they may have succeeded in like manner to the chief command.

1183. When the Company's officers have obtained the rank of general, do you think it desirable that they should be eligible to service at either of the three presidencies?—I can see no sort of objection to it.

1184. How long is it since you left India?—I left India last February twelve-months.

1185. Are

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1185. Are you of opinion that there is any practicable reduction to be made in any branches of the corps now in India?—I can only speak with regard to Madras. I am satisfied there could be no reduction in the European troops. A very large reduction has already been made in the horse artillery, which perhaps might bear a little more; and if the Madras army is not to re-occupy the Douab, I should suppose that the two regiments that were raised at the period when the Douab was taken under the Madras management might also be spared; but I am satisfied no greater reduction ought to be made. The duty of all the regiments is sufficiently hard.

1186. Do you consider it practicable that any reduction should be made in the staff of the army in any of the departments?—I am not aware that any could be made. The staff of the divisions now at Madras consists only of the general officers of divisions, deputy assistant adjutant-general, deputy assistant quartermaster-general, paymaster, assistant commissary, commissary of stores, deputy judge advocate, and a superintending surgeon.

1187. Supposing, from want of funds, a reduction was absolutely necessary, in what branch would you recommend it to take place?—I should say, if a reduction were absolutely necessary to take place, it should be what I have stated, in horse artillery, and a certain number of men per regiment.

1188. Do you consider the service in India preferable to a King's officer to either of the other stations, such as Canada, the West Indies, Mauritius, or Ceylon?—No, I do not, unless it is an officer of very high rank.

1189. Has it ever come to your knowledge that any regiment has been moved from one presidency to another, either a King's or native regiment?—A King's corps has frequently, and there has been no difficulty about removing them. A native corps has never been moved except during war time, that I am aware of.

1190. Would any inconvenience attend each exchange?—I see no difficulty whatever in the removal of the King's corps.

1191. Are the hospital departments in Bengal under a chief inspector of hospitals?—There is a medical board at Madras that regulates every thing, and a superintending surgeon in each division. The King's army has a deputy inspector of hospitals for Madras, and an inspector in Calcutta.

1192. The native troops are in general much more healthy than the King's troops, are they not?—Infinitely more so.

1193. In what way are the hospitals supplied with medicines?—I believe every thing, except the most trifling articles, are now supplied from the commissariat.

1194. They were formerly supplied by the surgeon of the regiment?—A great portion of the articles were formerly supplied by surgeons of regiments under a contract, but European medicines were always furnished by Government.

1195. Is much attention paid to the hospital establishment?—Very great attention; it is particularly well conducted, I think.

1196. Has there been much decrease in the expense attending that establishment?—I am unable to answer that question.

1197. What do you consider a healthy regiment of natives; what proportion?—They vary very much according to the country in which they are employed; I have had regiments of 800 or 900 strong, with six or eight sick; but I should
• make

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make inquiry, if I found the number exceeded 20 or 25 in a native corps, that is 800.

1198. And how would the same number bear to Europeans?—We have always considered our corps unhealthy when they exceeded 10 per cent., but they again vary very much, according to the station in which they are. I commanded a regiment for two years, while it was stationed at Bangalore, and only lost 25 men each year out of 800. At Arcot, and in the field, we lost about 50 men a year; and the greatest loss the regiment ever had in 25 years was at Trichinopoly, when first they came out, where they lost 70 men.

1199. What is the average loss of officers per regiment in a year in a King's regiment?—That has also varied very much. In 20 years in the 22d regiment, which I commanded in India, we only lost 19 officers, but I think the regiments latterly have lost a much larger proportion of officers; the 13th dragoons, which succeeded the 22d, which I afterwards commanded, has lost above that number in half the time, yet they have been stationary, whilst the 22d was always moving.

1200. In the letter which you have sent to the Committee, you complain of the composition of the quartermaster-general's department at Madras; in what respect would you suggest any alteration for the improvement of that department?—The quartermaster-general's department of late has been furnished from officers as indiscriminately as taken for the rest of the staff, persons not scientifically qualified, persons who have understood nothing of the general duties of a quartermaster-general.

1201. Has that been only lately the case?—There was an establishment at Madras formerly, which for some years has been abolished, (a military institution it was called,) at which officers were educated and qualified, and then they rigidly appointed officers from that institution; since the institution has been abolished they have taken them from the army at large, and in many instances without ascertaining that from private education they were properly qualified.

1202. Should you recommend that the officers of the medical department should be examined in the Company's service in the same way as the same description of officers in the King's service are?—I can see no objection to it. Our officers undergo an examination on every step of promotion; the Company's medical officer is examined before he comes out and never afterwards, and therefore, if he is disposed to be idle, he gives himself very little trouble about his studies.

1203. You say that the European foot artillery is not sufficiently supplied with officers?—No, it is not; because the native foot artillery, and all the horse artillery, are officered from them, and all the commissaries of stores are appointed from them, so that there were left very few officers for the European foot artillery, which is the most valuable arm, and required the greatest care.

1204. Is the European foot artillery in India altogether Company's artillery?—~~Altogether Company's~~; the King's artillery has been withdrawn for many years.

1205. In order to improve the organization of that branch of the service, you think that a larger supply of officers is necessary?—I think so, certainly.

1206. Can you state to what extent you think the increase of officers would be desirable?—I believe the Madras artillery at present consists of two battalions of eight companies; if the native artillery are discontinued, I think those two bat-
talions

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talions ought certainly to be ten companies each, in order to give the required quantity of artillery in the different divisions of the army, and to have a disposable force at the head quarters of the artillery.

1207. Do you think it would be desirable to discontinue altogether the use of native artillery?—I am of that opinion; but I think that the reduction should be gradual, and not made all at once, because it might produce a bad effect, the discharging those people.

1208. Do you form that opinion from the inefficiency of the natives in that service, or from motives of general policy?—Both; I think that they require physical strength for artillerymen, which the natives do not possess.

1209. Are you aware what classes of men, whether Mahomedans or Hindoos, the native artillery on the coast are generally composed of?—They are mixed; the horse artillery are principally Mussulmen, and the foot artillery are a mixture of both Mussulmen and Hindoos.

1210. The clothing of the army at Madras is done by contract, is it not?—I believe it is; the army is well clothed I think; very fairly clothed.

1211. Are the accoutrements supplied by contract?—The Government furnish the accoutrements, and the officers of the cavalry have a contract for furnishing the horses with saddlery.

1212. Are those accoutrements taken as much as they can be from European supplies?—They are never European; they are all native manufacture, both cavalry and infantry.

1213. Do you think it would be desirable that, instead of native manufacture, European manufacture should be employed where it can be?—I think it would be more economical from its durability.

1214. The saddlery in the Madras army you say is all native?—All native.

1215. Are you aware that that is not the case in the other presidencies?—Yes; I have seen some European saddlery in the Bombay army.

1216. The commissariat provides almost every thing for the army, even to the horses of the cavalry; is that commissariat in any way under the instruction or control of the military authorities?—Not at all; it is under the Governor.

1217. Would it not be desirable that the officers in command at Madras, or some officer in command there, should have some control over the commissariat expenditure?—I should think that would be an interference with the Governor.

1218. You have been asked generally, whether you think there would be any advantage in encouraging the settlement of British subjects in India; what is your opinion with regard to that?—I have replied to that question without understanding whether it alluded to the general settlement of Europeans in India, or people belonging to the army only.

1219. But take the question in its largest sense, what answer are you disposed to make?—With regard to the general settlement of Europeans in India, I am of opinion that no Europeans would do any good in India except those possessing capital.

1220. What would be your opinion as to the settlement of discharged soldiers?—My opinion is, that there are few of them that would be able to do any good, and they would become a burthen on the public; first, because in a tropical climate they

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they could not earn their bread by labour; and secondly, because their habits, I am sorry to say, have been such, that when control would be removed from them, they would become a very bad description of people.

1221. You have said that you thought it would be desirable to establish an European pensionary on the hills; what do you mean by that?—There are certain hilly situations in our part of India, and on the Bombay side, I believe, but I am speaking only of Madras, the Nilgherry Mountains, where Europeans might labour a little, and which, with the assistance of their pensions, would enable them to live better than they now do in the Carnatic, and then their offspring would become a much more valuable race of beings than it is at present.

1222. Are the Commanders-in-chief of the forces obliged to reside constantly at the presidency?—Their duty as members of the council confines them very much to the presidency.

1223. Would you think it desirable that they should be released from that duty?—I think it is desirable that they should see more of their armies.

1224. In point of practice, at present they see but little of their armies?—Very little.

1225. Have you observed any jealousies between the King's and Company's officers during your experience in India?—I never observed any jealousies to the prejudice of the service; but certainly feelings of that description arise at times.

1226. Have the Company's officers their fair share of high commands?—I think they have.

1227. When a King's regiment is withdrawn from India, is it common for the men to volunteer to remain there?—The men are generally so disposed to do; and at one period we left almost all our men in India when a regiment came home, which was very desirable, for I think they were the most valuable people for that service, and the least valuable in this country: latterly the regiments have brought home a great many men. I think they have been too rigid as to the age at which they took their recruits; they fixed them at 30 in the King's regiments, when a man at 35 is the most valuable man that they can have in the country; and a number of men that were taken by the Company's European regiment formerly, have been rejected latterly, because the Company found, I believe, that they had to pension those men for service in the King's army, and they will now only give them pensions according to the period they serve with them, and therefore the men are not disposed so to transfer their service.

1228. Would it be an advantage, in a military as well as an economical point of view, to complete the King's regiments in India rather by sending recruits to fill up casualties than by a relief of the entire regiment?—I should think a frequent relief of the King's regiments in India would be attended with a great expense both of money and life, and the officers would certainly require some time to understand the management of their men in that country; but on the other hand, I consider the keeping them too long in the country is equally prejudicial, because they would thereby lose their native feeling.

1229. If the India Company were entitled to an allowance from the Government for all those men who enlist into their service from the King's, upon the regiments leaving the country for England, do you not think that the India Company would

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be very willing to take those men into their service at any age?—I believe latterly their European corps were complete.

1230. How are the Company's European regiments kept complete?—They receive a certain proportion of recruits annually from England. They were formerly completed by volunteers from the King's regiments as they returned to England.

1231. They are not recruited by relief?—Never relieved.

1232. Are you aware that the artillery have the choice of all European recruits that come to India, before the infantry regiments?—I always understood so, and considered that to be the cause of the Company's European regiments being composed of a bad description of men.

1233. From whence are the staff sergeants of the native regiments taken?—Formerly they used to be taken from the artillery and from the Company's European regiments, and very many of them from the King's regiments, but of late I do not think any have been taken from the King's regiments at Madras, but invariably from the artillery and from the Company's European regiments.

1234. Are they an efficient set of officers?—I do not think they are. They are made use of more as clerks, and people who write and make out returns, and are not at all employed in the discipline of the corps.

1235. What number of non-commissioned European officers are attached to a native regiment?—Two to each corps, a serjeant-major and quartermaster serjeant.

1236. How are courts-martial composed in India; do the King's and Company's officers sit together in the same court?—They do. For the trial of Europeans the King's and Company's officers sit in conjunction; for the trial of the sepoys the court-martial is composed of native officers, directed by an European officer as a judge advocate.

1237. Are there any irregular corps in the Madras establishment?—No, there are none; they were all reduced at the close of the last war.

1238. Have the officers commanding corps the appointment of their regimental staff?—No.

1239. With whom does that appointment rest?—With the Commander-in-chief at Madras.

1240. Are you of opinion that the officers commanding corps have sufficient influence in that appointment?—I do not think they have. I should doubt the expediency of their having the sole control of it; but I doubt whether they have at present sufficient influence.

1241. Has the circumstance of the officers commanding corps not possessing sufficient influence in the appointment of their regimental staff been, during your experience, a subject of complaint?—It has never been made an official complaint to me, but it has been a frequent reply to me when I have found fault with the want of efficiency of their regimental staff. I have never received an official complaint.

1242. Are you aware that those officers were appointed against the will of the commanding officers, or have not been appointed by their recommendation?—I am quite aware that a great many were appointed in direct opposition to them.

1243. Have

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1243. Have you ever considered whether it would be expedient that the governors of the different presidencies and the generals on the staff in India should have native aides-de-camp attached to them?—I think it would be useful to those officers, and I think it would be a very desirable thing so to employ the deserving native officers, for I never could do my duty in the field without the assistance of a person of that description.

1244. Have the native officers always risen from the ranks?—Some of the old native officers now in the army came in from local corps, the corps that belonged to native princes, but all the rest are promoted from the sepoy rank.

1245. When an English regiment of dragoons arrives in India, it is dismounted?—It comes out dismounted, and receives the horses of the regiment it relieves.

1246. Are the horses on which English dragoon regiments are mounted when they reach India, equally efficient to those which are employed in our service at home?—Formerly I think they were superior; latterly they have not been so good. But there are horses in India particularly well calculated for all military purposes.

1247. The number of staff appointments is held by the general officers, is it not?—Yes.

1248. It appears that the number of general officers employed in staff appointments at Bengal is seven, and that the number of general officers employed on staff appointments in the same way at Madras is five; can you explain the reason of the Madras appointments seeming to bear so large a proportion to that of Bengal, when the army is comparatively so much smaller?—There is only a general officer for each division of the Madras army.

1249. It appears also that the same observation applies to the brigadiers; the brigadiers in Bengal being 14 and the brigadiers at Madras being 12, can you explain in any way the disproportion which seems to exist there also?—There is a brigadier only at the principal stations of the army where there are large bodies of troops assembled.

1250. Are you of opinion that the number of stations under commands at Madras could be reduced?—I do not think they could; with regard to the general officers, their divisions are very large.

1251. The number of brigadiers in the King's service at Bengal appears to be two and in the Company's service 12; at Madras the number of brigadiers in the King's service is three and in the Company's service nine; can you give any explanation of that disproportion, why so many more of the King's officers seem to hold these commands at Madras in proportion to the amount of the army than they do in Bengal?—The only opinion that I can give is, that it strikes me that the King's regiments are more divided throughout the army of Madras, which brings their officers into play, while the King's regiments on the Bengal establishment are all at fixed stations, unmixed with the Company's troops; we are mixed throughout the army at Madras, whereas in Bengal the King's regiments are all along the river, and therefore not mixed so much with the other part of the army, and a King's officer cannot be moved from his regiment to hold one of these brigadier appointments.

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1252. Is not Arracan and that coast under the Madras army?—Moulmeyne is garrisoned by Madras troops, which is a place that was ceded after the Burmese war, and that is under an officer who, I believe, receives brigadier's allowance.

1253. And is Singapore also under a brigadier?—I am not sure. I think two regiments went to Penang for the purpose of furnishing the garrisons of Singapore, Malacca, and Penang.

1254. What is your opinion as to the efficiency of the military board, and the propriety of keeping it up?—I feel hardly competent to answer that, never having directed my attention much to it, but think the service would get on quite as well without it.

1255. What is your opinion with regard to the efficiency of the local corps?—There are none existing at present.

1256. None at Madras?—None at Madras.

1257. As far as your experience has gone generally, would you recommend the propriety of substituting regularly-organized troops for local purposes in every instance?—I think local cavalry are to be obtained very good in India for a war, perhaps fully equal to any you could raise in addition to your regular cavalry; but I should recommend strongly the augmentation of the existing regiments of infantry in preference to any local corps; there is a native horseman in India who becomes very useful when directed by European officers.

1258. What is your opinion as to the proportion that European troops ought to bear to natives in India?—I think that must depend very much on circumstances and situation.

1259. But as an army generally, what proportion ought the European troops to bear to the natives?—As an army in the field I am decidedly of opinion that every brigade of cavalry ought to have two squadrons of European cavalry with it, to render it efficient.

1260. In what proportion would that be?—The brigades consist of eight squadrons, therefore that is one-fourth.

1261. Then are you of opinion that it would be expedient or desirable to reduce the European cavalry, and substitute native in its stead?—Most certainly not, because the European cavalry of Madras is at present (since the withdrawing of one of our regiments) unequal to furnish its proper proportion; native cavalry could be augmented; European cavalry could not, without great difficulty.

1262. Are you of opinion that it is of importance to give rewards and marks of distinction to native officers of the army in India?—Most assuredly, it is most essential.

1263. Are you of opinion that sepoy boys belonging to each corps on the Madras establishment is a useful and necessary part of the corps?—It is the most valuable part of the corps.

Sabbati, 24^o die Martii, 1832.

The Right Hon. Sir JOHN BYNG in the Chair.

Colonel JAMES LIMOND called in and examined.

V.
MILITARY.

24 March 1832.

Colonel
James Limond.

1264. ARE you in the Company's artillery service?—Yes.

1265. How long have you been in it?—I went out in 1794, that is 38 years ago.

1266. Have you served in any other presidency but that of Madras?—I have not been immediately serving at Bombay or Bengal, but I have been with the forces serving from those presidencies upon the different expeditions; I have been upon the service at Ceylon, upon the expedition to Egypt, the expedition to the Isle of France, upon the expedition to Java, and another expedition from Java against the Rajah of Palambang.

1267. What is the comparative amount of the European artillery force with that of the natives?—We had no native artillery when I first went into the service; it was after the conclusion of the Mahratta war, under General Wellesley, that the horse artillery was formed; and upon the same occasion, in order, as I suppose, to lessen the great expense of European artillery to Government, a corps of golundauze, or native foot artillery, were also raised. With respect to the comparative amount of the European with the native force of artillery, it is as two to one, there being three battalions of European foot artillery, and one brigade of European horse artillery, one battalion of native foot artillery, and one brigade of native horse artillery.

1268. Are the officers for the artillery educated at home for that distinct branch of the service?—Yes, they are now; when I first went out to the service the officers were instructed entirely at the head-quarters of the corps, and formed to the service there.

1269. Is there any rule for attaching the young officers, on first coming out, to an European battalion, before they are allowed to go to the native battalions?—They are always first put to the European battalions.

1270. Do the officers get promotion solely regimentally?—As a corps of artillery.

1271. How does the proportion of promotion bear with that of the cavalry and infantry of the Company's service?—Sometimes one branch supersedes the other, and alternately; but this is not considered a hardship, as it is the chance of the service. My own is a particularly hard instance of supercession, and it will illustrate the nature of the service. My own brother came out to the infantry service some years after me; I was a senior subaltern, and in all the grades of a subaltern, captain and major, I was senior to him and a great many more. Upon the increase of the infantry, he and a great many others superseded me as a lieutenant-colonel. When I got to the rank of colonel of a regiment, I would have attained nearly to my old situation, but by a compromise with the Horse Guards

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Colonel
James Lamond.

Guards, limiting the promotion of the Company's officers to lieutenant-colonel, regimentally, I am still a junior officer, although a senior colonel of a regiment.

1272. Are you aware how the promotion of the officers is, comparing that of the artillery in the Company's service with that of the artillery in the King's service?—I have not given my attention to it; I am not aware how it is; but I suppose the Company's officers have the advantage of the King's artillery in point of promotion.

1273. What is the comparative efficiency of the native and European artillery?—There can be no doubt the European artillery are far superior; the European is possessed of a wreckless energy and intrepidity that the native does not possess; he acquires a knowledge of the object that his officer contemplates, and is enabled, in the event of the loss of that officer, to follow it up; whereas the native in losing the officer too frequently loses all confidence; but as for the use for which they were originally embodied, I consider that they answer the end fully; they are a force that occupy stations where artillery are absolutely necessary, and at a comparatively trifling expense when compared with the establishment of European artillery.

1274. Are they, comparatively speaking, better for stations and forts than for the field?—Undoubtedly; and for stations where it is absolutely necessary to have artillery, they enable the Europeans to be kept united and available for more important service.

1275. Can you speak as to the comparative expense of the European and native artillery?—I am not able to give a correct answer to that question; but the expense of the native artillery is very small in comparison with that of the European.

1276. Are you aware whether the Rajpoots of Hindostan form any considerable portion of the artillery of Fort St. George?—I am not sure that they do; I think they are chiefly Mussulmen.

1277. Are you aware that that class of men of the Hindoos of the military order are peculiarly partial to the service of the artillery?—I am not aware of that further than that they are partial to duty with horses.

1278. Have you witnessed, or have you heard of the manner in which the artillery of the principal Mahratta princes, without any European officers, have done their duty in the chief actions in which we have been engaged with them, particularly at Assye and at Mahidpore?—I understood that they stood to their guns to the very last; but still I understood that there were Europeans with Scindiah at Assye.

1279. Can you inform the Committee what proportion of the equipment is received for the corps of artillery from Europe, and what is obtained in India?—Guns and short arms and accoutrements are supplied from England. Gunpowder, ordnance carriages, and appointments are made at the Honourable Company's establishments in the country.

1280. How many years' supply of shot and powder is kept?—I believe there is no regular quantity kept to answer for any number of years; there is an immense stock of ordnance and of shot at the different presidencies of India.

1281. With respect to the discipline of the native artillery, how is that as compared with the European?—As it regards merely the manual artillery exercise, the native will perform it with as much precision as the European.

1282. As

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James Lumond.

1282. As to his conduct, what is your opinion of the native as compared with the European?—The moral character of the native is far superior to the European; the charge of 100 Europeans is much more troublesome than 100 natives, considering the trouble that the officer has to look after the discipline and moral conduct of the troops.

1283. Does that arise from one cause only, or from a combination of several?—From the nature of the men; the natives are a quiet, biddable race of people; and the European has habits that the native is not so much addicted to.

1284. Does a material part of the difference arise from the tendency of the European soldier to drink?—It does certainly; from this arises almost every irregularity.

1285. How are the officers for the native artillery corps selected?—At the pleasure of the commandant of the artillery.

1286. Does he exercise any particular rule in that selection, by considering the disposition of one officer better qualified for it than another?—I should think so. When commandant of artillery myself, I was particular in giving attention to suit the officers for their situation.

1287. Are the officers, previous to their being sent to the native corps, instructed in the language of the country?—They have generally acquired a knowledge of the language.

1288. Are there any regulations for the artillery service in India that you would recommend?—The Company's cadets are formed in the early instruction for their profession at Addiscombe in a very able manner; and that education is followed up upon their arrival in India. In the government of Sir Thomas Munro, a depôt of instruction was established at the Madras artillery head-quarters, which has progressively improved, and answered all the ends contemplated in its formation. The artillery orders issued by myself on its first establishment, and a later compilation of the system of exercise pursued at the depôt, are offered to the observation of the Committee.

1289. Have the goodness to deliver in those instructions.

[*The Witness delivered in the same, which were read as follows:*]

A. O.

"THE Honourable the Governor in Council, contemplating the great advantage to be derived to the corps from the combination of a system of instruction that shall unite the improvement of the young officer in the theoretical part of the education he has already received at the Honourable Company's College at home, with the gradual development of its use, as connected with the practical parts of his profession, has directed the establishment of a depôt of instruction at the head-quarters of the artillery.

"The course of instruction at this institution will, among other objects useful to the artilleryman, embrace the following:

"1st. To ascertain to the young officer himself and to his superiors, that the foundation of his school instruction has been understood by him, and also afford him a means of advancement in the theoretic parts of the education necessary for the artillery officer.

"2d. To give to the young officers and the men who have not had experience and opportunity, an acquaintance with the means to be used in particular situations on field-service, as relates to the conduct of artillery in the operations of a siege, and surmounting difficulties

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ties that artillery must meet with in a country where there are no made roads, and the natural obstacles of the country itself are great.

"3d. The instruction of the young officers and artillerymen, by personal practice in the various branches of laboratory work, which comprehends, and is the best means of impressing upon the mind the nature of the materials and instruments of the profession on actual service.

"4th. To satisfy the commandant of artillery, from the report of the director of the dépôt and his own personal observation and examination of the officers and men, that the principles of artillery instruction are sufficiently grafted in them to admit of their being sent forth on the general duties of the service.

"The present limited extent of the building procurable for the dépôt of instruction will delay for a time the prosecution of the plan of government in all its branches; the director, however, will make an appropriation of the present laboratory rooms, so as to commence instruction in the first essentials of the institution, viz. the practice of the young officers in acquaintance with ordnance, their carriages and appointments, and in making drawings of them in plan and section, acquainting him with the different apparatus and their uses in branch field movement and battery duty.

"The non-commissioned will be required to show that they have a sufficient knowledge of reading, writing and arithmetic, to qualify themselves for keeping accounts and returns of ordnance and stores, and are also perfectly conversant in laboratory duties and making up ammunition, port-fires, fuses, rockets, and all matters connected with the preparation of stores for field-service. A thorough knowledge of this important part of an artilleryman's duty can alone establish the claim of the non-commissioned to advancement in the ordnance of the service.

"It will be in this institution that the non-commissioned and privates will have an additional opportunity by zeal and diligence to recommend themselves to the notice of the commandant of artillery; and the periodical relief contemplated by his Excellency the Commander-in-chief, will give every man in the corps an opportunity of doing so likewise.

"A book of character will be kept at the dépôt of instruction, and also in the office of the assistant adjutant-general to the artillery, by which means the commandant of artillery, when called upon, will be enabled to refer for recommendation to vacancies in the ordnance branch of the service, and the corps may depend upon the most impartial attention to desert, as far as is in the power of the commandant of artillery to advance the deserving soldiers.

"In prosecuting the contemplated objects, every young officer that has not been on detachment from the head-quarters of the artillery, is placed under the director of the dépôt of instruction, whose orders they will receive for their attendance at the dépôt at the regulated hours of instruction, and that shall not interfere with their cantonment and regimental duties.

"The acting commandant of artillery thinks it but fair to explain to the young officers of the corps, that he purposes to submit to his Excellency the Commander-in-chief a recommendation, that no officer shall be eligible to hold a regimental staff appointment until he shall have been two years on duty from the artillery head-quarters. Under this explanation, the acting commandant of artillery desires it to be understood, that until the young officer shall be reported duly qualified in a competent knowledge of the duties to be expected from him, he will not be detached from the head-quarters of the corps.

"The non-commissioned officers off duty will attend at the dépôt two days in each week for instruction, to be regulated by the director, under the authority of the commandant of artillery; and hereafter, more extensive instruction of the officers and men in general will be pursued.

"Artillery Head-Quarters,
"St. Thomas's Mount.

J. Limond,
Lieut-Col. Actg Comm^t Artillery."

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Colonel
James Limond.

1290. At what age do the young gentlemen generally join the corps of artillery in India?—About 17 or 18; there may be instances of earlier or later, according to their passing at the academy.

1291. At what age do you take recruits for the European battalions?—I think it is from 18 to 24.

1292. Are the casualties great?—They are numerous.

1293. Can you say how many per cent. you would reckon?—I cannot state that with any certainty.

1294. With respect to the horses you get for the artillery service, are they purchased for you by contract?—The whole of the horses are purchased I believe by contract, that is, a certain sum is allowed by Government for each horse; but the horses must be approved by the confidential officer appointed by Government, or a committee of officers; a committee of officers of the artillery and of the cavalry are sent to the depôt where the horses are kept, in Mysore, and the artillery are allowed to make the first selection, and afterwards the cavalry make their selection.

1295. Are you aware what is the cost of a horse for the artillery service, on its joining the corps?—I cannot speak to that point exactly.

1296. Are the horses you get well adapted for the service?—The horses for the horse artillery are very well adapted; they are strong, compact little horses.

1297. Do they last long in the service?—I have not given my attention to that.

1298. Have you served with the horse artillery?—Not since 1799; I was the first that was employed with the horse artillery or gallopers; but then they were upon a very limited scale.

1299. How long is it since you left India?—I left it in December 1826.

1300. Was the rule of His Majesty's service, to pay the soldiers daily, introduced before you left India into the Company's army?—Not that I know of into the Company's army; it was not so during my time.

1301. Is the native artilleryman inferior to the European in physical strength?—Undoubtedly he is; he is not possessed of the same energy.

1302. Have you in the course of your service seen any of the golundauze horse artillery at Bengal or Bombay?—No, I have not.

1303. Which gives way soonest under privations and hardships, the native artillery or European?—The natives will sink under hardships sooner than the European.

1304. What is the comparison between them with respect to veracity and fidelity?—I consider the natives are attached to the service as much as the Europeans; I think the fidelity of the one is just as unimpeachable as the other. Attachment to the service was particularly evinced upon the occasion of the embarkation of the native troops for foreign service to Rangoon and Arracan; not a desertion or a man absent from his regiment.

1305. Is there any preference given to the artillery service over that of the cavalry and infantry by the natives?—I think the cavalry have a preference over even the artillery, among Mussulmen particularly.

1306. You say the artillery service is allowed a selection of the horses; are the artillery allowed a selection of the recruits when they come out from England?—

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Colonel
James Lamond.

They are selected in England for the artillery ; and even when the recruits come out for the infantry, if the artillery are in want of men, a selection is allowed from those that come out for the infantry.

1307. Have you a selection also out of the natives engaged for the service?—The native troops are generally enlisted by the corps severally, and are mostly taken at the recommendation of the native officers, and men long and faithfully attached to the service.

Lieut.-Colonel CHARLES HOPKINSON, C. B. called in and examined.

Lieut.-Colonel
Charles Hopkinson,
C. B.

1308. How long have you been in the service?—From my first commencement of going to the Royal Military Academy, 31 years.

1309. You commanded the horse artillery in India?—I commanded the European horse artillery at Madras.

1310. When did you leave India?—About two years ago ; I have been in England two years.

1311. Have you served in any other presidency but that of Madras?—No ; I commanded the artillery in Ava during the Burmese war ; there was a party of artillery from each presidency, and I commanded the whole combined together.

1312. Have you had the native artillery under your orders as well as the European?—I have ; I commanded the golundauze for a short period.

1313. What is your opinion as to the comparative efficiency of the European artillerymen and the native artillerymen?—I am of opinion they are not to be compared as far as *general* efficiency goes ; for particular parts, I think the natives are perfectly fit, provided they are of a certain description of men, that is to say, such as were in our golundauze battalion when it was first raised ; I think they were most entirely fit for any common duty that the artillery could be put to, whether for light field artillery, or even battery ; but I do not think, throughout the Madras establishment, that in the general way of recruiting you can get recruits for the artillery ; this fell under my particular observation in 1826, and I saw that the men we then had in the golundauze battalion, were, in my opinion, not fit for artillery duty, from a want of bodily strength. The cause of the difference of fitness between the period of raising of the corps and its state in the year 1826, was, that they had selected from the golundauze artillery in 1824 its very best men for the horse artillery ; and to complete them, instead of doing as they did before, that is, get the recruits from Bengal, or select from the native corps volunteers of a superior description, they took any that offered. The first thing that I did on coming into the charge of the golundauze battalion was, to turn out a great number of unfit men ; but I did not by any means turn out the number I would have done, if I had had my own will. The native horse artillery again, from the circumstance of their having been selected men, and composed of a superior class of men, are certainly competent to common artillery duties ; but *no* native is, in my opinion, fit for the horse artillery, they have not strength sufficient to drive ; it requires a very strong man, and not only a strong man, but a man who keeps up his bodily strength by good and nourishing food ; it requires great strength of muscle to drive properly ; I do not think that scarcely any native is fit for that part of the artillery service.

1314. Having

1314. Having had the native artillery of the three presidencies under your orders, to which do you give the preference as the most efficient?—I never had any native artillery under me, except the Madras golundauze.

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1315. With respect to the native horse artillery in Madras, have you had them under your orders?—Never; my information is derived from one of their best officers, who was once under my command, who had served with me, Captain Whinyates. My opinion is principally formed from his statement to me, given in confidential moments, when we have talked upon these matters. My opinion upon that subject is not formed from my own positive observation; but with regard to the golundauze (the native foot artillery), it is formed from my own observation.

1316. Have you been on service with the native artillery and the European artillery together?—We had in Ava two companies of golundauze, but they scarcely ever left Rangoon; they were not very actively employed. I only remember once, and then they were found very efficient; none went in advance, Europeans only went.

1317. In that service were there a great number of casualties?—Certainly, among the Europeans; we scarcely lost any of our native artillery during the whole of the Burmese war; indeed, we lost very few men in the artillery corps; we did not, I believe, suffer in any proportion to the other corps.

1318. Are the native artillery very efficient for the service of stations and forts?—I should think they are for the common duties of a fort, that is to say, when they are composed of a proper description of men, which, by sending to Bengal for, no doubt could be obtained, as was the case formerly; but I do not think efficient men could be obtained upon the Madras establishment, that is to say, taken from the natives of the Madras presidency.

1319. You are understood to recommend recruiting for the native artillery of Madras from Bengal?—Certainly; I do not think it is possible to get men of sufficient strength otherwise, unless they are procured from Bombay, where I understand they are equally stout. Some years ago, as far back as 1803, it was the custom to recruit the lascars of the artillery in Bengal, and we had officers that used to go as recruiting officers to Bengal for the purpose of picking up men to bring round for the service of the artillery; it was from those men, I believe, that the Madras golundauze were first formed, in addition to men selected from the infantry, and that accounts for our having had such good stout men in the first instance.

1320. At what age do the officers for the European artillery join you from England?—Almost always at the age of 17; I think that out of 50 that arrive, you will not find a difference of six months between any of them.

1321. Are they selected for the horse artillery by particular fitness, or by interest?—By favour entirely: they used to be selected by the officer commanding the horse artillery. When Colonel Noble had the corps, he had influence enough to select any young gentleman that he thought fit; and for his own sake he selected only those who he thought were most qualified. But of late years, I believe since his death, there has been a change; they are not now selected by the commanding officer of horse artillery; and in fact the whole time that I commanded that corps, I never had influence enough to get an officer appointed to it.

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1322. Do you send officers from the European to the native horse artillery till they are well acquainted with the country and disposition of the troops?—All young officers join the corps as available for any part of it, and they are selected as quickly after that as the Commander-in-chief pleases, as vacancies occur.

1323. As vacancies occur in the native corps, are they supplied from the European?—Yes; but I am not aware of any instance of an officer being appointed to the native part of the corps, who had not been for some time with the other.

1324. Were you in India when His Majesty's order to pay the European soldiers daily, arrived, and was it extended to the corps under your command?—It was.

1325. What were its effects?—The most demoralizing that ever I recollect; it was the destruction of every comfort that our people had, officers and men; so much so, that I entreated that it might be put off for a short time (more especially at the full-batta out-stations). The horse artillery was composed of four troops, of 155 men each troop; but only one troop, and the recruits for the whole corps as they arrive from England, are at head-quarters; the other three troops are away, one at Nagpore, one at Jaulnah, and one at Bangalore. Those at Jaulnah and Nagpore are on full batta, and their pay is very large; I think that of a private of the first class is about 24 or 25 rupees a month. I believe the impression under which that order was made was, that the small sum which the soldier would receive daily would be too trifling to enable him to commit any excess. Now it so happens that the pay of an artilleryman is so large that it quite destroys the object for which the plan was established, although paid daily: yet when thus paid, it is too small a sum for their wife or their native woman to take away from them; for the moment that a soldier on the old system got his monthly pay, if he was a drunken man, his wife or his woman kept near him, and the moment he received his pay, she seized and took it from him, and then returned him a certain allowance for his personal pleasures, this certainly as little as she could help, and small it was, if, as was most likely, there was a family of children; with the remainder she went down to Madras, or the nearest large market, and her money was then sufficient to enable her to lay in a stock of provisions for the whole month; for a soldier, in India especially, is the most perfect child in the world; he is so completely attended to from the first moment he comes out, that he has no idea of helping or providing for himself. The daily payment destroyed all this; it is such a trifle that the man will not give it up, nor can the woman attend every day to take it from him, she has other cares to attend to, and besides, if she gets it, she cannot lay in a stock; and thus it will not go near so far as if she received the month's pay at once: and I have no hesitation in saying that I never recollect such a complete alteration for the worse as this order made in the horse artillery. For about two years before that time, although we had at head-quarters, besides one troop, all the recruits for the whole corps as they arrived from England, we only lost by death three men; we scarcely ever had any man in the hospital, and drunkenness was little known; but I do not think this order had been issued and acted on one month before the hospital was full, our men were constantly drunk, and more than one absolutely died of drunkenness on the spot. As I said before, I did get the order put off for two or three months, and it would have been, I believe,

I believe, put off for the artillery altogether, but the Company's European regiment at Nagpore, when they found the artillery was exempt, claimed "the same indulgence and exemption," as they called it, "from punishment," (for the men all look upon it as a punishment); and I firmly believe it was as much out of revenge as anything else, that they determined to show the inefficiency of the order. Besides the demoralizing effects which I know of, and have already pointed out, in the artillery it imposes a duty on the captains of troops and companies, that I have no hesitation in saying no man can possibly continue to perform, so as at the end of each month to declare upon honour, *that he has paid with his own hands to each man his daily pay, and taken from him, as paid, his receipt for the same*; the thing cannot be done; in the field it is impossible. The duty of a captain of artillery is very heavy, much more so than that of a similar rank in the infantry; and I say it is impossible for a captain of a troop of horse artillery, in addition to his other duties, to pay daily *with his own hands* upwards of 100 men, and take a written receipt from each.

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1326. Has the same effect been produced upon the King's troops?—This mode of payment may be satisfactory to officers commanding His Majesty's regiments, but then the difference between them and the artillery is very great: first, the number of officers in a King's regiment is much greater; next, a company is very inferior in numerical strength to a troop of horse artillery; next, the amount to be received daily by an infantry soldier is much less than by an artilleryman, and very much less than by a horse artilleryman; next, there is but one of His Majesty's regiments at a full-batta station, although there is always half the horse artillery and a proportion of foot so situated.

1327. It appears, from your answer to a letter from the India Board, that you have some remarkable documents to prove how few children of European parents born in India, reach the age of maturity; will you have the goodness to give the Committee such information as you have upon the subject?—When I was a subaltern in the corps, it was my custom and duty to go round the place where the Europeans lived, to see that they were comfortable, and had got their houses and streets clean. In going there so frequently, I had an opportunity of seeing children in great numbers, of pure European blood; yet long as I have been in the service, I cannot recollect above *one instance* where one of those children attained maturity. The circumstance made a deep impression on me, and for many years I have made inquiries on this subject, but I never could ascertain that in any corps the children ever lived; if they did, many would be now bearing arms or in public offices. This struck me the more forcibly from the circumstance that many young men who have come out as recruits in the artillery, want to get their discharge, to obtain which, it is necessary a substitute should be provided. Now, if any or even a very small proportion of those children born had lived to attain the age of maturity, there would have been no difficulty whatever in getting substitutes; but I never knew or even heard of one single instance in the Madras establishment, where one was so procured, or where a man born in India, of pure European blood, ever attained an age sufficiently mature to be taken as a substitute. I stated this fact to the adjutant-general at Madras, and pressed the point on his attention; he was struck with the circumstance, and obtained the
sanction

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sanction of the Commander-in-chief to order that the European corps, King's and Company's, should send in a return of the children born of European parents in India ; that return came, and was sent to me to arrange ; I have got the papers with me ; the corps did not however seem exactly to understand the order, and the returns were, I found on examination, very incorrect and incomplete, some corps have included children that have been born in this country, and have gone out with their parents ; other corps included the half-caste children ; but however incorrect, it will still seem to show how very few are living in proportion to the great number that have been born there, and how very few are still beyond the age of childhood. This return is perfectly correct as to the number now living, but it is not correct as to the number born, for it is, I believe, only within these few years that anything like a register of children has been kept.

1328. To what do you attribute that great mortality among the children of Europeans ?—To the climate.

1329. You have mentioned that some children went out with regiments ; does the mortality extend equally to them as those born in India ?—I should imagine so, or else there would be some of them living.

1330. Do you consider the gun-carriage department, particularly as relating to the horse artillery branch, to be on the best footing it can be at the Madras establishment, or that it is capable of any improvement ?—When I left India, I could not imagine any plan could have been better than the one in use ; but it has now been changed, and I am not prepared to give an opinion upon it.

1331. What are the description of horses employed in the horse artillery that were under your command, and how far do you consider them as good and efficient for that service ?—I think it is impossible by searching the world over to get horses better calculated for the service of the horse artillery, than those in use with the Madras horse artillery in 1826 ; they are selected from the horses that come round principally from Arabia to Bombay ; they are brought to Mysore, and from a lot procured for the service generally, those required for the horse artillery are I believe first selected.

1332. Is their size sufficient ?—I think so ; I cannot imagine any horse fitter for the description of ordnance we had, that is six-pounders ; our carriages are most beautifully made, and we had a most zealous superintendent, an old officer of the corps, whose sole duty was to attend to this branch ; and I suppose, that in no part of the world were there superior carriages to what we had in the Madras establishment.

1333. What is the height of those horses ?—As near 15 hands as possible ; I think they are the best size for the horse artillery, armed as it was when I commanded it, from the circumstance, that they had only their work to do, and not themselves to carry ; a great horse has himself to carry, as well as to do his work.

1334. Are the gun-carriages made in India or in England ?—In India.

1335. What wood were they made of ?—Of teak wood, almost entirely. At Hyderabad, there is a description of wood that is sometimes made use of for the fellics of wheels, called the babool ; but all those made at Seringapatam are, I believe, entirely of teak wood.

1336. Then

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1336. Then those carriages that you speak so highly of were made exclusively of teak wood?—They were.

1337. What was the weight of a six-pounder, gun and carriage?—About 14 cwt.; with timber and ammunition in the boxes ready for service, about a ton.

1338. How many guns have you to a troop of horse artillery?—We had eight guns, but then we had 155 Europeans when I was in India.

1339. Have you no howitzer?—No, not permanently attached.

1340. How many horses have you to each gun?—Six.

1341. How many horses have you to a troop of horse artillery?—We had 225 horses.

1342. What was the establishment of men and officers?—We had then 155 Europeans as artillerymen, and three officers; but since my quitting India they have been re-modelled; a great reduction has taken place, and there is now, rank and file altogether, only 102 men, so that each troop is reduced 50 men, and the guns are reduced also; there are six with the troops at the advanced stations, and only four at head-quarters and Bangalore.

1343. How many horses had you to each field battery?—We do not know anything by the name of field battery; we have not horses for the service of the artillery generally; the whole of our artillery, with the exception of the horse artillery, is drawn by bullocks.

1344. Are not the officers and the non-commissioned officers of the artillery mounted?—The officers of foot artillery are obliged to appear mounted, but it is at their own expense; the non-commissioned officers are on foot.

1345. How many tumbrils have you to each gun?—For a six-pounder only one; it depends upon the nature and size of the ordnance; we have only one tumbril to one gun.

1346. What is the average rate of march of your foot artillery for a day?—With the present establishment of cattle, such as we have at Hyderabad, we could march as fast I think as the infantry.

1347. Could you march 15 miles a day upon an average?—We could do that easily.

1348. How many bullocks have you to each gun?—Six to a six-pounder, eight to a tumbril; it is all laid down in the regulations.

1349. Was your foot artillery exclusively six-pounders? the question refers to your field guns.—No, we have every description of light field artillery, and we had 12-pounders; we had six-pounders, we had five-and-a-half inch howitzers, and we had four two-fifth howitzers; the artillery of this description was never considered immediately attached to the corps, it was in park, and called for as it was wanted, that is to say, there was a park under the commissary, who had the general charge of the whole of the ordnance with the army, so that whenever ordnance was required for a particular service, the Commander-in-chief directed it being sent, in communication with the commandant of artillery, under whose immediate orders the commissary is.

1350. Had any of the local corps any artillery of their own?—Yes, there was a most splendid artillery belonging to the Nizam's force at Hyderabad.

1351. Was

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1351. Was that paid by the Company?—No, by the Nizam.

1352. The question refers to the local corps under the Company's orders?—We have nothing of that kind under the Madras establishment; in Bengal I believe there are local corps, but not under the Madras establishment.

1353. You have stated that the guns are drawn by bullocks; what is the description of those bullocks bred in the Mysore stud, which you have seen on service?—The work that the bullocks bred at Seringapatam did in Ava, was the astonishment of every human being that saw them; it was surprising to see the way in which they used to drag two leaguers of arrack on a mortar cart even, one of which upon a light cart was always considered a load for four bullocks. I think they are as efficient for the army as it is possible for any animals to be; they are fed, cleaned, and taken almost as much care of as horses, and they are almost able to do as well with them as horses; and as to marching with infantry, no infantry could, I think, keep up with them; there is no road so bad they could not go over.

1354. What is your opinion as to the policy of putting the Indian artillery into the King's service instead of the Company's?—I do not think you could possibly render it more efficient.

1355. Would it be a popular measure with the people?—Undoubtedly not, I think; I have turned it a great deal in my mind, and I cannot understand in any possible way how it is to add to the efficiency of it; it might give more officers, and if so, that would be a great point gained; but I think it is only to point out the want of officers, in order to have them increased, that is to say, that the European artillery should not be left only with the same number of officers as the native artillery. I would wish also to take this opportunity to call the attention of the Committee to the returns attached to my letter to the India Board, showing the number of officers that have been found necessary for the service of a troop and company of artillery in His Majesty's service (almost double those at present with the artillery of the Honourable East-India Company), and to hope, that if not a corresponding full and equal proportion is allowed, that at all events, the old rank of second captain, the same as in the royal artillery, may be restored, and one given to each troop and company of European artillery. In His Majesty's artillery, to 70 men there are two captains and three subalterns; in the artillery of the East-India Company, to 102 men there is only *one* captain and three subalterns.

1356. Does that answer you have just given relate to the artillery branch only, or do you maintain the same sentiment with regard to the other branches in the army of India?—I think the general feeling throughout the army at present is certainly against the removal from the control they are under at present; but of course the satisfaction, or otherwise, would greatly depend on how the measure would be carried into effect; what security is given for retaining the advantages the army at present enjoys. To become King's troops would no doubt be highly gratifying; but as Company's, they have now certain privileges and advantages distinct from those of His Majesty's service, that they would fear, if not immediately, yet very soon to lose, by the greater interest of officers from England.

1357. What was the reason, as you understood, for changing the gun-carriage establishment, which you have described as so efficient?—Economy: there was a superintendent

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a superintendent of the gun-carriage manufactory, and there was a principal commissary of ordnance; and when the principal commissary of ordnance died, to save the expense of filling up his appointment, they made the superintendent of gun-carriages principal commissary also, and did away with the other appointment, and they gave him a deputy superintendent of gun-carriages, and they removed the establishment from Seringapatam to the presidency, I believe from the failure of the forests, and the necessity of having timber from other sources.

1358. Were the gun-carriages upon the same construction as our own?—Not immediately, but very nearly similar; in fact, there is the greatest possible facility allowed to every officer of artillery to make any suggestion he pleases: he has only to send in a paper to the commandant of artillery; if it carries anything reasonable upon the face of it, the proposition is almost immediately laid before the select artillery committee, composed of five of the senior officers present at head-quarters, and is a permanent committee always sitting. If the plan appears feasible, it always has an immediate fair trial, under the superintendence and control of the proposer.

1359. Your's was an European corps?—It was.

1360. What is the average period that a soldier is effective for; how long does he serve before he is worn out?—The difference is most extraordinary. A horse artilleryman is much sooner worn out than a foot artilleryman; it depends upon circumstances. I do not think it possible to state any exact period; it must depend upon how the man is employed, and his habits; for if he is a drunken, dissolute man, he is soon knocked up. We have instances of short, stout-made, well-behaved men, that will last almost for 30 years.

1361. After how many years' service do you pension them, upon an average?—The orders are, that any man, after 10 years' service, is eligible to the pension or invalid establishment. If a man thinks he is not fit for field-service, he applies to the surgeon, who, if he is of the same opinion, gives in his name to a yearly committee of officers; this committee examines the man, a surgeon being present, and decides what should be done. Any man, however, no matter what is his period of service, is always entitled to be invalided or pensioned, if he has received any injury that prevents him doing his duty, when in the execution of duty.

1362. Are the artillery stores good, and where do you get them from?—The saddlery and harness are all made in the country. When I had the corps, I had a contract for supplying it, and I made all my own leather; I had tan-pits, and the leather so made was of a very superior description.

1363. Are the calibres of the guns at Madras, and the stores and carriages in general, the same as those in use at Bombay and Bengal?—I believe precisely; our brass ordnance is made in Bengal, and sent round to Madras; the re-casting of guns is all done at Calcutta; the other two presidencies are supplied from them. The iron guns are obtained from England, as is the shot, shells, &c.

1364. Are the stores so similar in their kind, that if a Madras corps was serving with the Bengal army, the stores of the Bengal army would suit the equipment of the Madras artillery?—No; our gun-carriages differ materially. When I was first appointed commissary, I used to supply corps with their equipments; their

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pouches, belts, and such articles, were then all from Europe; but some time after the establishment of the commissariat, it furnished country-made articles of a most inferior description indeed, and which, if the thing was fairly and impartially examined, would, I really think, not be found so cheap as those from Europe; because though less in the first charge, they do not last one-fifth of the time, and never look so well.

1365. Do not you think that the perfect identity of the stores in the three presidencies is so important an object, that it ought to be accomplished at any expense?—They serve so seldom together, that I conceive it is matter of very secondary consequence; besides which, the whole arrangement is different at each presidency. On the Madras establishment we have a commissary, who has the charge of all the artillery equipments that are not in immediate use. In Bengal, the senior artillery officer upon the spot has the immediate charge, so that the whole system is different; and I think that while they are a little different, and each responsible for the efficiency, it produces emulation. I believe there is a rivalry between the Madras and the Bengal army, which I think produces an anxiety on both parts to beat the other if possible.

1366. In the Burmese war, were not corps sent from the different presidencies?—Nothing but King's corps came from Bengal, with the exception of a part of the Governor-General's body guard; there were two troops of European Bengal horse artillery, and two companies of European foot artillery. From Madras there were two companies of golundauze artillery, and three companies of European artillery, with the lascars, and the whole of the ordnance and cattle establishment. From Bombay there was one company of European artillery, without any guns.

1367. Had you two establishments for the supply of stores, one for the Bengal artillery, and another for the Madras artillery?—We had not only two establishments, but nothing could be given from the one to the other but as a private loan; for the accounts of each presidency are kept quite distinct.

1368. So that you had not only two officers providing stores for each of the two corps from each of the two presidencies, but you had two civil establishments controlling the expenditure of those stores?—Of their own immediate presidency.

1369. Is not that a disadvantage?—I do not see that it is, because the powder that is made at our presidency is used by that presidency; the Bengal powder is used by the Bengal officers, and they think it the best; we use the Madras powder, and we think that the best.

1370. Does it not make it difficult for one presidency to assist another?—Not at all; the commandant of artillery can always manage this by an order at once; all the guns are precisely the same, so that the ammunition of one would necessarily fit and could be used for the other.

1371. Supposing you as a Madras officer had no stores, or powder or shot of your own, and there was a Bengal artillery officer with more than his complement of powder and stores serving with you, by what official channel would you get provided from that Bengal officer?—The commanding officer of artillery would at once give an order for making any arrangement the service might require he pleases, and I have done so myself in some cases; we were also always ready to supply the navy, both King's and Company's.

1372. You

1372. You stated that the troops of the different presidencies served very seldom together; how often have they combined together since the taking of Java in 1810?—I believe never, excepting Ava, within my own knowledge; I believe also that the Bombay and the Nizam's troops served together with the Madras in the Mahratta war of 1817.

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Lieut.-Colonel
Charles Hopkinson,
C. B.

1373. Did they not serve together in Burmah?—In Burmah there were no Company's native troops; they were all King's troops that came from Bengal, with the exception of a portion of the Governor-General's body guard.

1374. To whom are your requisitions for stores addressed at Madras; to the military board or to the commanding officer of the artillery?—At each station there is a commissary, who is under the control of the commanding officer of that station; it is his duty, if there is any want or deficiency, to point it out to the commanding officer, and with his sanction, to make a yearly indent upon the arsenal of Fort St. George: this is sent to the military board, who sanction the supply, and it is at once sent up to the commissary from the presidency arsenal. Then if any portion of artillery took the field, the commanding officer of artillery has always a controlling power over the ordnance officer.

1375. Have you ever visited the powder manufactory at Madras?—Frequently.

1376. In what condition is it?—As far as I could judge, it is most perfectly efficient. It appears to have every thing about it that a powder magazine should have; its establishment appears to be liberal and good. Whenever powder is wanted, it is not left to the superintendent to send up whatever powder he pleases; but the powder is in a large magazine, and the artillery officer who goes for it selects at his pleasure from any part of the quantity.

1377. Is the whole of the powder used in the Madras presidency made there?—I believe entirely.

1378. Do you happen to know the annual consumption?—No, I do not; it depends entirely upon circumstances. While the whole country is at peace, the yearly expenditure could be told to almost a grain, for each corps is allowed a certain quantity for the use of field days and other purposes, so that the quantity issued is known to a fraction.

Lunæ, 26^o die Martii, 1832.

The Right Hon. Sir JOHN BYNG in the Chair.

Major-General Sir ROBERT SCOT, K.C.B., called in and examined.

1379. Do you belong to the Company's service?—I do, on the Madras establishment.

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1380. How long have you served?—I am a cadet of 1793, and went out to India in 1794.

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1381. That is from 37 to 39 years?—Yes, since I went to India.

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1382. When

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1382. When did you return?—In 1828.

1383. What situations have you held on the Madras establishment?—I have held various commands that my rank entitled me to; and latterly I have been employed in the Political as well as the Military department.

1384. Have you in any of your commands had the King's troops under your orders?—Yes, I have.

1385. What is your opinion as to the discipline, spirit, and efficiency of the native army?—Does the question refer to the time when I quitted India, or to any particular period, or throughout the whole course of my service?

1386. Throughout the whole course, generally speaking; and if any alterations have taken place since you entered the service, it will be desirable to mention them?—I think the spirit of the army has, in general, been every thing that was desirable, but affected in a small degree, at different times, by particular circumstances. Its efficiency, I conceive, has at all times been equal to the calls made on it; and its discipline has been very good, although I think that has also varied from particular circumstances.

1387. You have had all branches of the native troops under your orders?—I have.

1388. Do they particularly excel, either in artillery, cavalry, or infantry; and in which branch do you give the preference to them as soldiers. I allude to the presidency of Madras?—My answer will refer to the presidency of Madras. Upon the whole, to the infantry; but being an infantry officer myself, I perhaps may speak under some prejudice. I think the discipline of the infantry, as far as I have been capable of judging, has in general been better than that of the cavalry. As to the artillery, for a long period of time after I entered the service, we had no native artillery; but constituted as it is now, I believe it is very efficient, and animated by the best spirit; and I know the natives in general who belong to the artillery service, have a greater *esprit de corps* than can be said to belong to the other branches of the armies in India, making it a point of honour with them to remain with their guns to the last, even when deserted by the other arms.

1389. Have any of the native corps from the other presidencies been under your orders?—Yes, they have at different times.

1390. Does the same opinion extend to them, which you have given respecting the troops of the Madras presidency?—As far as circumstances render it applicable. Bombay had no native cavalry until of late; and as far as I know, no native artillery until a still more recent period.

1391. Is the artillery service popular with the natives in the Madras presidency?—The military classes of India are numerous, and I think all of them have a desire to serve in the Company's army; but perhaps it is not now so popular a service as it has been.

1392. From what cause has that alteration arisen?—From various causes; probably the whole of which I could not attempt now to specify; there are several however that I could now mention.

1393. Have you any objection to mention them?—Not at all, as far as I can do so in a general way. Those that occur to me now, are the frequency with which officers of rank have been removed from one regiment to another; the very frequent alterations

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alterations that have been made in the dress of the army, and the want of due consideration upon those occasions for the native prejudices in regard to dress, and other matters subordinate to dress, and the appointments connected therewith; and perhaps also in some degree from a too evident desire to assimilate too much the native to the European army. They have at different times altered and reduced an establishment of boys of a very early age, the sons or very near relations of sepoys and native officers, which each regiment has attached to it. I think that establishment, duly regulated, a powerful means of attaching the native troops to the Government. They have also laid restrictions upon the situations chosen by native pensioners for their residence; and they have embodied the invalids into garrison battalions, and required of those battalions a service beyond, I think, what they were capable of affording. These are some of the causes that have contributed in a material degree to lessen the desire to enter the Company's service that the natives formerly had.

1394. Are the native officers sufficiently encouraged?—I do not think that they are.

1395. What additional encouragement would you recommend?—Such encouragement as would affect the situation of their families and improve their condition in any way, especially after their death, would I think be one of the most effectual. When their sons are received into the service, I think they should be admitted with some privileges, some advantages over the common recruits. They should be exempt from various punishments to which common recruits are liable; and I think that the native officers should more frequently, when distinguished by good conduct and gallantry, be rewarded by being appointed to different offices and situations which they are capable of filling, receive higher pay, and be honoured by some title.

1396. Do the sons of native officers enlist as privates?—They enlist as privates, or are received as recruit boys, but very rarely now. It was much more common when I entered the service. It was always an object of great anxiety with me as commandant of a corps to encourage the native officers to have their sons and near relatives enrolled.

1397. I believe the highest rank native officers arrive at at present is soubahdar-major, is it not?—It is.

1398. Do you think they could be admitted to a higher rank with advantage?—If any rank could be assigned to them higher than that, which did not give them the command over European commissioned officers, I should say it would be advantageous; but I do not see how that is to be accomplished. They might be appointed commandants of forts and small posts in different parts of the country, which would raise and gratify them very considerably, and do a great deal of good.

1399. Do you think it would be advisable to place them in the command of either revenue or police corps?—If individuals were selected for these situations at an early period of their service, I should say undoubtedly.

1400. Would you think it advantageous that they should occasionally be placed on the personal staff of Governors-General and officers in command?—With very great care in the selection of the officers, and scrupulous attention to the mode

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mode of employing them, I should think good effects would result from it. The plan has been tried at Madras, but perhaps not under the most favourable circumstances.

1401. There is a difference, is there not, in the pay and allowances to officers and men in the three presidencies?—Does that refer to the native, or to the European troops?

1402. To both generally.—I believe that the orders of the Company now are, that the European officers should all be paid alike; but there are differences in the pay of the native troops in the different branches of the three presidencies, and also in that of the public followers.

1403. Would it be desirable to assimilate the pay for the three presidencies?—If it could be done, undoubtedly it would be desirable; but I apprehend it would be a point of very great difficulty to accomplish it with justice and satisfaction to the parties.

1404. As the expenditure would be too great to bring the lowest up to the highest, are you of opinion it could be gradually done, as to recruits hereafter enlisting, by giving them a less pay and emolument at first, and gradually increasing it according to the number of years of service?—I referred in my last answer to the different rates of unavoidable expenditure incurred by the troops in the purchase of food and necessaries in the different provinces where they served, and in which prices are exceedingly different.

1405. Would you think it advisable to give an increase of pay after a certain period of service?—It would no doubt be a means of furthering the attachment of the troops, and so far advisable, but I do not see that it would assimilate rates that are now different, whether absolutely or relatively; but I would not have it inferred that I consider the pay of the subordinate ranks insufficient.

1406. Is the difference in the pay and allowances in the three presidencies proportionate to the increase of expense in the one over the others?—My attention has been at different times directed to that point, and, as far as I now recollect, I thought some years ago the troops serving in the territories under the Bombay establishment were more pinched than those under Madras; and the Madras troops, though a little higher paid in some ranks, considerably more than those in Bengal, where provisions generally as well as most other things were cheaper.

1407. Are European officers on their first arrival in India generally attached to an European corps, or are they sent at once to a native corps?—The practice has differed at different times. When I arrived in India, cadets were usually allowed, under some restrictions, to choose their own corps; afterwards it became the rule to attach them for some time to European corps. To that succeeded a cadet company, organized, as far as circumstances admitted, as a company of regular infantry, with which all infantry cadets were detained for a considerable time; but this plan proving eminently unsuccessful, was discontinued, and since that time the system has been to post them temporarily, that is, until their rank on the list of the season was ascertained from England, to such corps as lay most conveniently, or was thought likely to prove the best school for teaching them their duty; on their rank being fixed, they were posted permanently, and ordered to join. When I left India there was what was called a Cadet Institution at each presidency, where the young gentlemen

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gentlemen on their arrival from Europe were received, taken care of and equipped for joining their respective regiments, by an officer selected and permanently appointed for that purpose; but I understand these institutions have since been discontinued, which I think is to be regretted.

1408. Are there sufficient advantages held out to European officers to make themselves acquainted with the language of the country?—As the Government some time ago adopted measures holding out a greater degree of encouragement than formerly, it is clear that they then thought there was not sufficient. Of late that encouragement has, partially at least, if not wholly, been withdrawn; and consequently my opinion is, that encouragement is not sufficiently held out now to study the native languages.

1409. Do the officers generally make themselves acquainted with the language of the country?—The officers of the native army are all more or less acquainted with one or other of the native languages, but many of them not in a sufficient degree, I conceive, for their own satisfaction, or the good of the service.

1410. Do they learn sufficient to enable them to hold some conversation with the native troops under their orders?—Yes; they acquire that in a very short time, either by study or custom, from mixing with their men.

1411. What regulations do you allude to as to the encouragement to study the native languages, which you say were withdrawn?—On the Madras establishment, a reward of 500 pagodas was given to all officers who passed an examination in any of the native languages; that has been withdrawn by order of the Court of Directors, who think that the greater claim a knowledge of the language gives to an officer for holding a staff situation, is a sufficient encouragement.

1412. Are the regulations in the Company's service sufficiently explicit and imperative to make young officers respect the feelings and customs of native troops?—I think perfectly so, as far as that object can be attained by regulations.

1413. Any deviation from them would be seriously noticed, would it not?—Certainly.

1414. Is it not indispensable for an officer holding a staff appointment that he should be acquainted with the language of the country?—It is now matter of regulation; they are liable to be examined as to their proficiency, and if found not qualified, are turned out.

1415. Having had European troops under your orders, as well as native troops, what is their comparative efficiency in the field; I mean on actual service?—That would vary very much according to circumstances. In some situations, the native troops I should think better calculated for employment than European troops; in others, I should think the European troops better calculated than the native; but in the general course of service, I should say they act better together, and perhaps they should always be so employed, but with a very limited proportion of Europeans to natives.

1416. The King's troops and the Company's European troops are seldom detached, are they?—The system is not to detach them, but both are occasionally.

1417. Do you consider the native artillerymen are of a sufficient strength for the nature of the duties required of them?—For all general purposes of the service, considering how they are selected, I should say they were; but occasions will

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will now and then occur where the physical strength of Europeans would be more advantageous.

1418. Are the general equipments of the army in the three presidencies the same, or do they vary?—They varied very much until of late years, when there has been a desire to assimilate them in all things.

1419. And that progressive assimilation is going on?—I believe so; it was when I left India.

1420. Do you not consider it very desirable that it should be so?—Undoubtedly; it would give the greatest facilities in many cases to the public service, by the transfer of stores, &c. from one presidency to another.

1421. Does the health of European troops suffer much in proportion to the native troops?—Generally, yes; I have known some instances where the Europeans seemed to be less affected than the natives.

1422. What number of years would you consider general as to the fitness of the European soldier to last in India?—About 12 or 15 years.

1423. And what that of a native soldier?—Enlisted at the usual period of life, from 20 to 25 years; but the regulations differ in that respect in peace and war.

1424. Can you speak as to the comparative expense of an European artilleryman and a native artilleryman?—I cannot without reference to papers.

1425. Nor as to cavalry or infantry?—I cannot.

1426. You are aware that in the King's service, when regiments are ordered home, a proportion are allowed to volunteer?—I am.

1427. Would you not think it advisable to allow the whole number to volunteer that were desirous, provided their age did not exceed any given year that you choose to name?—Undoubtedly; subject only to the fitness which they may be thought at the time to possess; and that will depend, in different individuals, on other things besides their age.

1428. What year would it not be advisable to keep a man beyond?—Certainly not exceeding 45; the non-effective establishments would otherwise be increased at a ruinous rate; and as a general rule, perhaps 40 should be the limit.

1429. Does the European suffer much as to his health for the first two or three years after his arrival, or is there no difference?—That depends very much upon the station to which they are sent on their first arrival; there are some stations that are remarkably favourable to Europeans when they first go out, and where they enjoy good health; if they go back to these stations at an after period of service, they are not so healthy. One of the healthiest situations in the Madras presidency for all new comers is Bangalore. After regiments have served in India some time, the proportion of sick and casualties have been much less at Bellary, which has a very hot climate, particularly hot, indeed, at one period of the year. In my recollection, a remarkable circumstance occurred there: an English regiment, one of His Majesty's, but I forget which, served there several months, nearly a year, I think, without the loss of a single man.

1430. Is it usual to send the regiment on its first arrival to Bangalore?—I do not think it is, as a system; it is seldom practicable to attend to that, as there are so few European regiments, and it must depend altogether upon the situation of affairs at the time; the moving of an European regiment in India is attended with great

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great expense, and that alone is sometimes deemed a sufficient reason to keep the troops where they are.

1431. How are the European regiments in the Company's service completed?—Principally by recruits from this country; and in some small degree by volunteers from His Majesty's service, when regiments are sent home.

1432. Have the artillery the first choice of these recruits?—They have; the horse artillery taking precedence. Some are enlisted for general service, some expressly for the artillery.

1433. Would you recommend any alterations that would give greater facilities in recruiting these regiments?—I have heard in India of difficulties being occasionally thrown in the way of the recruiting service in this country; but I am not practically acquainted with them. At present, I believe, recruits are to be had without difficulty.

1434. Is it the habit to relieve these regiments in the Company's service, by sending out entire regiments?—No relief of that kind ever takes place.

1435. There is no King's artillery in India, is there?—Not now; there was formerly.

1436. Are you of opinion that it would be advantageous to the military service of India, if the army, instead of being so much separated in different stations, was cantoned in larger bodies?—As far as regards native troops, I would say, decidedly not. I think it quite essential to the preservation of the proper character of the native troops to have them as little assembled in large bodies as possible; they must be assembled occasionally, in order to practise the various evolutions necessary to fit them for serving with an army in the field; but in other respects, I think it is hurtful to the native soldier.

1437. What opinion have you formed in that respect, as far as European soldiers are concerned, who are so much scattered, and would it not be convenient to assemble them in large bodies?—They are necessarily much scattered, from their number being small, and the territory they occupy so large; it is almost impossible in their present strength to keep them assembled in larger numbers. If you withdraw them from points where they are considered necessary, you must often leave those parts exposed, from native troops not being disposable to supply their places.

1438. What is your opinion of the native regular cavalry?—That it is a very efficient, gallant body of men, which I think might be improved by attention to those general circumstances I have already mentioned in the former part of my evidence, as affecting the discipline and attachment of the native troops in general; particularly in keeping their old officers with them; and with regard to the cavalry, I should say, by having a greater proportion of European officers present with them.

1439. Are you aware of any other description of horse soldiers in India that might be conveniently substituted for the native regular cavalry?—I do not think that any proper and effectual substitute can be found in India for the native regular cavalry; for a portion there might be.

1440. Do you think that the substitution, so far as it would be prudent to carry it, would lead to great economy in military expenses?—I do not think it would materially promote the purposes of economy; you would require a greater number

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of them to effect the same purpose; but there are some services in which they might be employed to the saving of the regular troops, who besides are not so applicable for such purposes.

1441. To what particular services do you allude?—Particularly to escort duties, which are frequent and often harassing, and equally destructive of the appointments and discipline of regular cavalry, and in partisan warfare generally.

1442. Are these irregular cavalry wholly commanded by native officers, or have they any European officers attached to them when on service?—The system is different at different times and in different places; occasionally they have European officers, and some invariably have them while they remain embedded; but others again, I believe, never have had European officers attached to them further than sometimes as a channel of communication, and a check upon their number.

1443. What is your opinion of that large body of irregular horse that have so often acted with the Madras army as subsidiary troops, called the Mysore Silledar horse?—That they were very regular, obedient, and efficient soldiers for all purposes in which I ever saw them engaged, or had occasion to employ them.

1444. Were they not commanded by their own officers, and were not these officers men of the highest rank in the state to which they belonged?—I do not know that they belonged to the highest description of persons in the state; they were highly respectable officers, and chiefly men of character and reputation. They generally served under their own officers; but on more than one occasion I recollect European officers being appointed to the Mysore Silledar horse, and under the direction of these officers, they were no doubt much more efficient.

1445. What should be the proportion, in your opinion, of European troops maintained, in comparison with that of the native force?—I think about a tenth, referring only to the number of troops maintained; but I do not at all specify that proportion as referring to the number of troops employed on particular occasions.

1446. With an army in the field, what should be the proportion of Europeans?—About one to six.

1447. Have you paid much attention to the pension establishments of Europeans and natives?—To that for natives I have paid a good deal; not so much to the European, not having been at any time attached to an European regiment, except for a very limited period, during which I held a general command.

1448. Has the pension establishment much increased of late, as far as regards natives?—I believe it has increased; every effort is made to keep it as low as possible.

1449. Are there any suggestions that occur to you by which the pressure of that establishment could be reduced, and what alterations would you suggest?—I look on the pension establishment as being so very important, that I should hesitate very much, on the score of economy alone, recommending any alteration.

1450. Has there been any period, during your service in India, in which there existed any considerable difficulty in recruiting the Madras native army?—Yes, there has; I think in 1806 and in 1807, there were considerable difficulties; at that time unfortunate occurrences had taken place, which in some degree shook the confidence of the natives in the Government, or the intentions of Government towards them. I believe the natives were misled very much at that time, and that there
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was no real ground for the apprehensions they entertained; but under these apprehensions, there was certainly an unwillingness for some time to enter the Company's service. I refer, however, to the infantry more particularly, as there are always men waiting for vacancies in the cavalry regiments, to enable them to be received.

1451. But no such unwillingness now exists?—No, certainly, not that I am aware of.

1452. What is your opinion as to the policy of incorporating the army of the Company into the King's army?—If by incorporating is meant, as I suppose it is, the absolute transfer of the whole army from the Company to the King, I must say, but with all respect for the opinions of those who may think differently, that I consider such a measure wholly incompatible with the existence of the political sovereignty of the Company, the interests of its officers, or the good of the State. The continuing to the Company's governments in India a mere general control over the army, with the power of course of calling forth its services, would be quite insufficient, it appears to me, to preserve for these governments the weight and authority necessary alike for the maintenance of their own dignity, and for successfully administering the affairs of so immense a country, held as it is by so extraordinary and precarious a tenure. The spirit and principle of the governments of India are, as far as I am able to judge, essentially military, and such they must continue, while the country is held by Great Britain, or any other European state. And hence the indispensable necessity for the actual sovereign exercising the functions of sovereignty retaining undiminished, in any respect or degree, the military powers and authority which it has so long, and perhaps I may be permitted to add, so honourably, and on the whole, so judiciously and successfully, exercised.

1453. Do you think it would be advantageous to have the armies of the three presidencies under one commander-in-chief?—So long as these armies remain distinct as at present, and differ from each other in so many important particulars, I cannot see any advantage that would arise from having them all under one commander-in-chief; on the contrary, I am of opinion it would be productive of discontent and inconvenience, and probably prove otherwise inexpedient. But if a plan could be devised for consolidating the armies of the three presidencies, so as that while no great sacrifice of the rights and interests of individuals were involved in it, the organization of the whole and of all the departments were assimilated, their duties conducted under the same system of rules and regulations, modified only by local circumstances, the pay and allowances of every description, of every rank, whether of fighting men or public followers, established on some clear, fixed and fair general principles of equality, an equality not absolute, however, for that, under the different circumstances to which the troops serving in different countries are and must be liable, would indeed be no real equality, but one in terms only, and in its application arbitrary and unjust; but an equality to be carefully ascertained, regulated and upheld according to circumstances, I am inclined to think, especially now that the territories subject to each presidency touch or approach each other at so many points, and these in general so remote from the seat of government, while the public interests may be expected not unfrequently to require the services of the nearest troops, without much considering

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to which presidency they more immediately belonged, that it would, on the whole, be expedient to have the army so consolidated, placed under one commander-in-chief (he himself having no particular charge), with three divisional commanders under him, two of these being invariably taken from the Company's service, and the appointments to these divisions made in regular rotation.

1454. The Committee would be glad to receive any suggestions from you with respect to any alterations which you think it might be advisable to make in regard to the general service in India?—I am not prepared off-hand to answer so comprehensive a question; but if the Committee think proper to allow me the necessary time, I shall endeavour to meet their wishes. In replying to some of the questions formerly put to me, I have already been led to suggest, directly or indirectly, several alterations which I think it might be advisable to have made in regard to the service in India. I had the less hesitation in so doing, that I felt my answers, without these suggestions, would have been even more unsatisfactory than I fear they will still be found by the Committee. And I should have been glad had the course of my examination brought to my recollection, and afforded an opportunity then for introducing in a similar way all that has since occurred to me on the subject; but as it did not, and the Committee are pleased still to desire to have these suggestions, I shall now, in deference to their call, advert to the few which seem of importance enough to be thus submitted to their attention. Hitherto, when it has become necessary to augment the armies in India by adding to the number of regiments at the several presidencies, the rule by which the officers have been taken from the old and promoted into the new regiments, or kept and promoted in their own, has either not been always the same, or it has at different times been very differently understood or applied, and great public as well as private inconvenience has repeatedly been sustained by the measures which the governments were afterwards compelled to adopt with the view of correcting the irregularities committed on these occasions. On a late occasion also, when a certain change in the organization of the three armies and an increase in the complement of European officers took place, the promotions occasioned thereby were in various instances dissimilarly and unsatisfactorily effected. Whether this want of uniformity in so important a procedure has in every instance been produced by a want of sufficient clearness and precision in the regulations or instructions applicable to such matters, or from any other cause, I am not prepared to state; but as jealousies and discontent, and in many cases serious injustice to individuals have been, and while it is suffered to remain uncorrected will continue to be, its inevitable consequences, I submit that some just and uniform system should be clearly laid down and published to the army, and the several commanders-in-chief and governments abroad imperatively required to conform thereto. When two armies are distinguished from each other by so important a difference in their constitution, as that while the officers in the one can attain to rank by the rule of seniority alone, those in the other may rise by purchase or patronage also, the same system of rules and regulations for their general government can seldom be fairly and reciprocally applicable; and that distinction is added perhaps the still more important consideration that one is not only strictly local, but holds up a master of far inferior dignity, it must be acknowledged that there can exist but little analogy between the situation and pretensions

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sions of their respective officers. There is naturally much to depress and little to raise the local army; but no principle seems better established or more freely acknowledged, than that to maintain and elevate its character is essential alike to its own efficiency and the safety of the State; and yet a rule to regulate promotion in certain cases has lately been brought into practice in India of a nature, than which I scarcely can imagine anything more calculated to have a contrary effect. I refer to the regulation or order which, on every occasion of a lieutenant-colonel in the Company's army succeeding to a regiment in his own branch of the service, and consequently to the rank of colonel, no matter how long his previous service may have been, entitles every lieutenant-colonel of His Majesty's service then in India, or who may afterwards be sent thither with commissions, no matter how obtained, or how short their previous service may have been, of an older date than that of the Company's officer, promoted as above, to receive a brevet as colonel of a date also anterior to his, on the ground, I presume, that His Majesty's officers of that rank not being liable to supersession in that manner in their own service, ought not to be liable to it under any circumstances by the officers of another. But the officer promoted as above in the Company's service may be junior to any number of lieutenant-colonels in his own service; and all of these may be senior to every one of the King's lieutenant-colonels then promoted to prevent their supersession in the case referred to. And yet, as if they were without feelings to be hurt, or interests to be affected, their grievous supersession passes as a thing of course entirely unheeded. The effect of such a system cannot fail to be degrading. Undoubtedly common justice demands, that if His Majesty's officers must be protected from supersession under the circumstances referred to, those of the Company should be held entitled to at least an equal consideration. It must be admitted, however, that one very injurious effect which necessarily attended the system which this supplanted, will, in some degree, be obviated by the present. By that, an officer succeeding to a regiment in the Company's service, acquired no additional rank, and was promoted only when officers of corresponding rank in His Majesty's army came to be promoted by a general brevet. This, in a service in which promotion, though regular, was comparatively slow, had gradually the effect of so reducing the number of colonels in the Company's army, that major-generals for the staff could not be fully supplied from it. In the Articles of War for the government of His Majesty's forces, there is still to be found, in section 22, that obnoxious one which in former days rankled constantly in the minds of every Company's officer; viz. the 2d, by which it is provided, "that whensoever officers of the royal forces shall be associated in duty with those of the Company in India, the former are invariably to take command and precedence of all of the latter of the same grade, notwithstanding that their commissions may be of a later date." The provisions of this article having long ceased to be applicable in practice, any sufficient reason for retaining it in the code is at least not obvious, while, as all must see how easily it may be made
 of taunt and derision, its discontinuance would seem to be as expedient
 tainly would be satisfactory. It is not a very long time since a general
 officer on the staff at Madras thought it his duty to refer to it as the rule that should
 determine the precedence of certain officers then assembled for a general court-
 martial. It has been suggested, that the privilege of exchanging from the local into
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the King's army in India, and *vice versa*, would under proper and peremptory restrictions as to the length of Indian service on the part of His Majesty's officers, and also as to their being qualified by a competent knowledge of a native language, in the case of a proposed exchange with an officer of a sepoy corps, prove advantageous to the general service in India, and with the further privilege to officers of a high rank in the Company's army of being eligible to be called upon to serve their country in any part of the world, tend greatly to diminish the spirit and elevate the characters of that army. In these opinions I most cordially concur, but would confine the privilege of exchange to officers of the European infantry not higher in rank than captain. In my judgment, the maintenance of a large and efficient force of European infantry in the service of the Company, is not less indispensable to the completion of their army, and as the principal source from which a very extensive demand for non-commissioned officers and privates for employment in all the different branches of the staff and other departments of the army in garrison, cantonment, and in the field, and in many other situations besides, must always be supplied, than it is advisable on political grounds also; and it is therefore with equal regret and surprise that I have lately heard of a measure being in contemplation, if not already in progress, in Bengal, which if persevered in cannot fail, I think, in lowering its consequence and efficiency, while it reduces its numbers. This would prove a most serious blow, and one that could not be long unfelt by the native army, which, deprived of the support of a respectable European force in the service of the same master, a result which would in no great time follow the adoption of the measure in question, would probably soon sink in self-estimation, as well as in that of others, and by degrees become so inferior in character and efficiency, as to be unfit to be any longer trusted with those great interests of which it is and always has been the only effectual and legitimate guardian. I strongly deprecate, therefore, the smallest reduction in the Company's European infantry; indeed, I have long considered that description of force in the Company's army to be already too small, and I know that such was also the opinion of the late Sir Thomas Munro, K. C. B. In conformity with that high opinion, I would earnestly recommend its increase, with an addition to the number of its officers, and that it should be organized for general service in India, not as belonging to any particular presidency; and in this case it would be further desirable to give it the advantage, when practicable, of periodical reliefs from one part of India to another. Considerable difference of opinion exists as to the proper complement of European officers to the native army, more especially, however, in time of peace. The native soldiery, as a body, are remarkable for their sobriety and general good conduct, and much more easily controlled and managed than Europeans, provided only their officers understand them; there is undoubtedly a good deal of little, vexatious, uncongenial up-hill work required of the regimental officers; but from the necessity of devolving a proportion of the duty upon the native officers, there is scarcely enough of employment of a tolerably interesting kind with a native regiment in time of peace, for a numerous corps of European officers, who on this account, and deriving from their number some countenance to their petty discontents, are with more difficulty kept in due order and subordination at such times; on the other hand, the advantage of

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having a strong and full establishment present with corps on actual service in the field, is admitted, I believe by all; but in India where there is no half-pay list, or any extrinsic means of extraordinary supply to be able to command their service in war, they must be maintained in time of peace also. During the late wars, and especially during that with the Mahratta powers and the Pindarees, there was generally a great deficiency of European officers of every grade: the best means of preventing such a want in future becomes therefore a question of no mean importance. (On an average, there are probably about five or six officers per regiment (including absentees in England) permanently removed from duty with their corps, and otherwise employed; and from one cause or other, about two more may be stated as the proportion absent on mere temporary occasions, scarcely leaving half of their fixed complement present; and that number constantly liable of course, in any particular regiment, to be still further reduced. Now, I do not say that even this small number may not be made sufficient in times of peace and general tranquillity, for I cannot but recollect the efficiency of the native corps, when they in general had even a smaller proportion present; but under the altered circumstances of the service altogether, and of the country, I am clearly of opinion that it is wholly inadequate to the exigencies of the present day. In the times to which I have referred, as having had so limited a number of European officers, it must not be forgotten that the whole body of officers then in the service was much more disposable than at present. In each branch of the service, the officers respectively belonging to it rose by seniority in one general list, and though posted to regiments, there was no regimental rank, consequently no difficulty was felt in completing the corps on actual service, as far as the entire number of effective officers in the country permitted it to be done, though at the expense of temporarily stopping most of those whose lot it was to remain in garrison at the time. One of the simplest and most practicable of the modes which have been proposed for remedying the evil under consideration would appear to be that of organizing corps of officers without men, and holding them disposable as effective supernumeraries to fill the vacancies in other corps caused by appointments to the staff and other contingencies, they themselves rising only in their own respectively to the rank of major or lieutenant-colonel, according as it may be determined that regimental promotion in the army at large shall stop at the one grade or at the other. It has been stated as a recommendation of this plan (which would be equally applicable to the European as to the native infantry), that it would accelerate promotion in the Company's army. It would in the first instance no doubt cause promotion in proportion to the number embodied from the rank of subaltern upwards, but I do not perceive its tendency to accelerate the *rate of promotion*. Any measure which would do that, and at the same time afford the means of completing corps in the field with effective European officers, should have a decided preference; but until such a one shall be devised, this other, with every prospect of it proving advantageous to the public interests, and little or no risk of interfering with either the prejudices or interests of individuals, may, it appears to me, be safely recommended.

In a General Order, dated Fort William, 12th August 1824, it was announced to the army by the Governor-General in Council, that in a letter in the military department,

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department, dated 25th November 1823, the Court of Directors, in their instructions consequent on the new organization of the Indian army that had just taken place, had been pleased to direct that the pay and allowances to officers of every rank should thenceforth be payable at the several presidencies in Sonat, Madras, and Bombay rupees respectively, without distinction or difference; and in the table of pay and allowances published for general information at the same time, the rate at which these rupees are ordered to be issued, comparatively with the sterling money of this country, is declared to be fixed at 2*s.* 6*d.* per rupee. Now, allowing that, as a mean for simplifying calculations and statements in this country of the military disbursements at the several presidencies in India, it were admissible to throw aside the consideration of the wrong done in this instance to the troops of two of the presidencies, inasmuch as the injury is but little and the inconvenience may be great; upon what ground the Court has seen fit to assume the value of these rupees to be 2*s.* 6*d.*, when it was well known to be considerably under 2*s.*, I cannot conceive. It is evident that any statement of the military expenses of India calculated at that exchange must be quite fallacious, and it is of course eminently unjust. The orders may appear to lead to an assimilation of the pay and allowances at the different presidencies; but the practical effect of the regulation is, that where the troops of the Madras and Bengal presidencies were employed in the same range of country, and received their pay, &c. in the same coin, those of the latter had a difference of about 10 per cent. allowed them, while the former had but seven, such being the rates of conversion of the Nagpore rupee into the Madras and Sonat, as authorized by the governments of each presidency separately. But this is not by any means the most striking of the anomalies still existing on this most important subject. The Madras troops serving in the dominions of the Nizam, as at Hyderabad and Jaulna, are chiefly paid in a rupee of the Nizam's coinage, called the chilla ounce, or govind buksh's sicca. Some years ago it was issued at the rate of 100 $\frac{1}{2}$ per 100 Madras rupees, but latterly at 111 per 100 Madras, the difference in intrinsic value, as ascertained at the Madras mint, exceeding 20 per cent. Bombay troops serving in the same dominions, or wheresoever the govind buksh's sicca may be issued to them, are entitled to and do receive it at the rate of 123 per 100 Bombay rupees, the latter being worth very little less than the Madras rupee, making a difference of 12 per cent. Such glaring discrepancies are hard to be borne, and ought to be put an end to without delay. The Bombay government directed assays to be made some years ago of all the coins in which their troops were liable to be paid, and that being completed, the results were published in general orders, and declared to be the rates at which all the coins enumerated were thenceforth to be issued. The adoption of a similar measure at Calcutta and Madras might be directed, until it was found practicable and expedient to establish one standard coin as the currency of the three presidencies; and at the same time, the whole of the complicated and cumbersome system by which the duties of the pay and audit departments, &c. are at present conducted, should be revised and simplified.

The clothing and appointments provided for the armies in Bengal, Madras, and Bombay respectively differ considerably in quality, and are furnished under different systems. As regards the troops, the latter is a point of no great consequence, but it perplexes and delays the settlement of the off-reckoning accounts.

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There is no good reason why the clothing, &c. of the whole should not be precisely the same, while the existing distinctions are invidious and unjust. Some years ago, orders were sent out directing the abolition of all distinctions in the uniform of the different regiments of each arm respectively, and the establishment of one pattern, the same in all respects, excepting as to the number, &c. on the button, to be adopted instead. The pattern being fixed on by the authorities at home, supplies conformable thereto, particularly of the officers' appointments, were forwarded in great quantities. But the governments abroad, on representations from the commanders-in-chief at the different presidencies, viewed the matter in another light, and the execution of the order was suspended. Now in this as in other instances, the chief and controlling authority undertook, as it appears to me, the part of the execution subordinate; and with the effect that might have been expected. I mention it in order to take the opportunity of noticing, that in India occasions too often occur when all who take an interest in the estimation in which the home authority is held by the servants of the Company abroad, see great cause to regret that the Court of Directors, in their anxiety to leave no part of their numerous and important duties unfulfilled, are induced to take the initiatory, direct the details, and express authoritative opinions upon practical and professional subjects, great or small; with regard to which it is indeed difficult to recognise their fitness to interfere, without ascribing to them a knowledge and experience which, in most cases at least, they never can have had the means of acquiring; occasions the more to be lamented, as by condescending, to call for information and counsel from their civil and military servants, always resident in England, the whole might no doubt have been avoided. Unhappily this is not the system; and the inconveniences alluded to are understood to arise from a practice which is said to be followed in the preparation of some of the despatches for India, whereby the principal or most active departmental officers or clerks at the India House have the drawing up of those paragraphs that relate to their own departments respectively, which are adopted without any competent scrutiny or supervision. It is beyond my province to suggest any particular measure for the alteration of this system; but considering its fruits, as they are experienced in India, to be injurious to the general service there, I felt myself called upon to advert to it as above, in the hope that those who have the power to apply a remedy may see it proper to consider whether there is not a sufficient call upon them to exert it. The want of an authorized establishment of any kind in the nature of an army agency for the Company's service, is very generally considered a great disadvantage. Endeavours to supply the want have from time to time been made by individuals, but hitherto without any permanent success. Efforts for the purpose are still being made, but they will probably end in the same disappointments as heretofore, unless sanctioned, and in some degree supported, by the Government's avowal under instructions from this country. I think an agency established and conducted on just principles, and sanctioned, if not instituted by the Company, would in various ways prove beneficial to the service at large. Orders prohibitory, under severe penalties, of any inducement being privately held out to officers to retire from active service on the pension of their rank, are now in force; but whether the practice could be altogether prevented by any orders whatever,

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may perhaps be doubted. Upon the whole, it seems to me that it would be advisable rather to rescind the regulation than that there should be any appearance of a disposition to connive at its invasion. As a mean of accelerating promotion, its abolition would have considerable effect; and I should be glad to see the announcement, by orders of the Court of Directors, of a regulated permission for officers of all ranks in their service to accept of whatever they may consider an equivalent to induce them to retire from it.

1455. You say that you think, on the whole, it would be desirable the army should be placed under the command of one commander-in-chief; that under him there shall be three divisional commanders; and you say that, under all the circumstances, two of those divisional commands should be given to the Company's officers; and you follow it up by saying, that those commands should be given to the Company's officers by *regular rotation*; have the goodness to explain what you mean by that?—I do not mean the regular rotation of the Company's officers. There would be a difference, from different circumstances, in the situation of the several commanders at the different presidencies; and they might have a preference to one, and not to another. I therefore think, in the event of an officer selected from His Majesty's service being appointed for one tour to Calcutta, that the person who may be appointed to relieve him should go to another, and so alternately.

1456. Then that answer was given with the idea that the commander-in-chief should be His Majesty's officer?—Yes.

1457. You did not in any degree mean by that answer to limit the perfect and unrestrained discretion by which the authorities at home should have it in their power to select from the whole of the Company's officers those officers whom they would entrust with those commands?—It refers equally to the King's and the Company's armies; I did not mean to limit the discretion in any way.

1458. Did you, by placing the two subordinate commands in the Company's officers, mean the Committee to infer that a Company's officer, whatever his merits were, should not rise in India to the supreme command?—I never could have intended that it should be out of the power of the Crown to select from the Company's officers as often as it thought fit.

1459. You meant that so vast a command should be left with the Crown?—Yes.

Colonel JAMES DAVID GREENHILL, C. B. called in and examined.

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1460. How long have you served in the Company's service?—I have been in India since 1795, 37 years.

1461. What branch of the service have you served in?—In the infantry.

1462. What situations have you held in the Company's service?—I have held the situation of adjutant, of commander of a corps, and commander of garrisons.

1463. In the presidency of Madras?—Yes.

1464. Have you ever had any of the troops of the other presidencies under your orders?—Never.

1465. Have you served with any of them?—I have met them; I can hardly say I have served with them.

1466. Have

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1466. Have you seen sufficient to speak as to their comparative efficiency?—No.

1467. What is your opinion of the general efficiency of the native troops?—I think the native troops are very efficient when they are made dependent upon their officers; but to be efficient they must depend upon their officers.

1468. What do you say as to their spirit and discipline?—I say their discipline is generally very good; their spirit is also good: when by themselves, I think they show more spirit than when they act with Europeans, certainly.

1469. Are they respectful and obedient to their European officers?—They are respectful and obedient, but not so much so now as they were in former days.

1470. To what do you attribute that change?—I ascribe it to the change which has taken place in their discipline; the men were formerly entirely dependent on their officers, now they depend very little upon them; authority is divided between the officers at the head of companies and the commanding officer of the corps, and there is great interference on the part of superior military authority, which I think weakens the powers of discipline altogether.

1471. Be good enough to explain the interference which you think has this effect?—Sepoys are encouraged to make complaints directly; the review and general officer, when inspecting a corps, asks them directly to make complaints, if they have any; that has been the case since 1796, and since then I think the discipline has been gradually weakened.

1472. Are they in the habit at these inspections of making complaints to the general officer?—They are now; when they were first asked the question, not a man moved, not a man spoke; they are very ready now to make complaints.

1473. Are you aware that this exists in the King's army?—Yes, it exists in the King's army; but I do not think it is a rule applicable to the Company's service.

1474. Are they accustomed to make complaints that are frivolous and vexatious?—Very often.

1475. Is there a general disposition to make complaints, or does it rest with a few?—Only with a few: they have not all grounds for complaint.

1476. Do the individuals who make these complaints give offence to the great body of the corps in so doing?—No, I do not know that they do; they give offence to their officers, and both officers and sepoy are deteriorated by it; the sepoy feels less respect for the officer, and the officer takes less interest in the sepoy.

1477. Is there any other point on which the discipline of the army has been of late affected?—I believe I am correct in saying that there are informants in every corps who write to the head-quarters of the army.

1478. Do you mean in the native corps?—Yes; there is one point on which I think they ought always to be allowed to make complaints, and that is respecting their pay and allowances, but nothing else.

1479. On what subjects are these complaints usually made?—Very often that they have not promotion, very often that they have not got leave, and very often that they want to get removed to another corps; complaints of that kind; sometimes that they have been brought to a court-martial improperly.

1480. Does the granting of leave depend on the commanding officer of the regiment?—Entirely; sometimes he is directed from the head-quarters of the army to give leave; it is only the privates I allude to.

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1481. Do the native officers encourage the men in making these complaints?—I am not aware that they interfere at all.

1482. Are the native troops in general attached to the European officers?—I think they would be attached to them if they were allowed to depend upon them; but unless they do depend on the European officers, I do not think they ever will be attached to them. The natives I think, generally speaking, are a selfish and subservient set, and will always pay attention to those on whom they depend; they will not pay attention, unless they have something to gain by it.

1483. Are the regulations very strict to prevent the European officers improperly interfering with the customs and religious feelings of the native soldier?—Yes, I think they are; but no officer of any standing is ignorant of the customs and feelings of the natives, or would encroach on them. I do not think he is so likely to encroach on them as some of the general orders are.

1484. Are the native troops paid by the European officer or by the native officer?—By the European officer always; he signs a declaration on oath that they have all been paid in his presence.

1485. Have you ever had any European regiment under your orders?—Never; I have had Europeans under my orders, but never an European regiment.

1486. Can you speak as to the comparative efficiency of the European soldier and the native soldier in India?—The efficiency of the native and the European are quite different. The natives are to be employed in the country; the Europeans cannot be employed in that way; in escorting treasure and everything of that nature where escort is to be employed, the Europeans cannot be employed; they cannot be depended on as to keeping sober.

1487. The native troops are particularly temperate, are they not?—They are addicted to intoxication by means of opium and such things, but not to that degree that Europeans are.

1488. Are you aware of the comparative number of years of service of an European soldier with a native soldier, in what ratio it may be?—A native soldier now-a-days, if he can possibly avoid it, serves unwillingly above 22 years. I do not think, generally speaking, that Europeans serve so much, nor anything like it; but I should think about 10 or 16 years was the service of an European.

1489. Do you know the comparative cost of an European infantry soldier with that of a native?—I could not exactly speak to that with any certainty.

1490. Are native officers, in your opinion, sufficiently encouraged?—Yes, I think they are.

1491. Are there any additional advantages you would recommend being given to native officers beyond what they now possess?—A native officer, when he does not depend on his commanding officer, becomes very lukewarm in the discharge of his duty when he is to rise by seniority; I would recommend that none of them should be promoted, except on certificates from the commanding officer that they had performed their duties well; any influence or power that could be given them out of their regiment I would give them; I would not give them power and influence in the regiment; I think they are deserving of any power when removed from the regiment.

1492. Do

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1492. Do you think they might rise to a higher rank, with any advantage to the service, than that of soubahdar-major?—They might be made killedars of forts; I am aware of nothing else they could be made.

1493. Are native officers frequently removed from one regiment to another on promotion?—Very seldom, except when new corps are raised, then they are removed; sometimes, when native officers of corps have not behaved well, native officers of other corps are appointed to that corps.

1494. Does a general good understanding exist between the European and native officers in a regiment?—Yes, perfectly.

1495. Do they associate much together?—The native officers sometimes call on them; not so often now as they did in former days; that is the only way they can associate together. The commanding officer, of course, has them at his house once a week.

1496. Would you recommend the employment of native officers occasionally on the personal staff of Governors-General and general officers in India?—I think, when employed in that way, they would be of no use afterwards with a battalion; they would have ideas altogether above the performance of regimental duties.

1497. Are European officers sufficiently encouraged to learn the language of the country?—The European officers are not at all encouraged; they do not get a situation from being qualified. I have known an instance of an officer being appointed interpreter who knew nothing of the language, and another officer in the same corps was taken out of that corps to examine him. An officer without interest gets nothing in India generally.

1498. Is it not a *sine qua non* for an officer being appointed to the staff that he should understand something of the language of the country?—No; he is appointed to the situation, and required to study afterwards; that has been the custom of late, but that has not always been the custom.

1499. Is he not required to qualify within some given period?—Yes; after he has been appointed he is.

1500. How long is that period?—Six months, and twelve months sometimes; six months generally.

1501. Have such appointments frequently been made without the persons obtaining them being perfectly qualified?—Very often.

1502. And for important situations?—Interpreters to regiments; I conceive no situation can be more important than that.

1503. Under whom does he obtain his qualification?—He is examined by a committee appointed at the station.

1504. If found disqualified on his examination, is he removed?—He is removed afterwards, if not qualified.

1505. By whom is he examined?—By a committee of officers appointed at the station, qualified to examine.

1506. By whom is he appointed?—By the Commander-in-Chief, under authority from Government.

1507. Is it not occasionally at the recommendation of the commanding officer of the regiment?—It has only been lately that the commanding officer has not recommended.

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commended. The commanding officer seldom recommended, when I left India, for any regimental situation.

1508. How long has this been the practice of allowing officers to hold the situation of interpreter, without being first duly qualified as being master of the language?—Since interpreters were first appointed, in 1818; they have not generally been appointed with attention to their acquiring a knowledge of the languages; they were not even required to study afterwards. Latterly, for the last four or five years, they have been required to study afterwards, and to qualify themselves for the situation, and undergo an examination; but from the commencement of the appointment it has never been filled up with officers qualified to perform the duties.

1509. At what period did you leave India?—April last year.

1510. And you speak up to that period?—Yes.

1511. Do you consider the examination a severe and strict one?—It is a strict one. I conceive that the officers who pass that examination are fully qualified to perform the duties.

1512. What is the additional amount of pay attached to an interpreter of a regiment?—I think 100 rupees a month.

1513. Is it not a situation of the utmost importance?—Yes.

1514. All communications between the Europeans and the natives go through him?—All orders are communicated on parade through him; but there are few officers in the service who cannot speak a little of the language; many of them speak well.

1515. Have you ever known the appointment of an officer to be an interpreter who could not speak any of the languages, or next to nothing; is he not taken from the regiment?—Yes. I am not aware that I ever knew an appointment of one who could not speak a little, but not enough for the performance of the duty of interpreter.

1516. Is the pay and allowances of the Company's troops at the three presidencies the same, or are they different at each presidency?—They are different at Bengal, superior at Bengal.

1517. To the officers or the men?—To the officers. It is not so to the men; the men receive 6½ rupees, and in Madras they receive seven.

1518. Is there any reason for that difference as regards the men?—Bengal is a much cheaper country.

1519. Are they fairly assimilated, compared with the attendant expenses to the men at each presidency?—I cannot speak about the expenses of Bengal. I never have been there, but I know it is a much cheaper country than Madras.

1520. Is there any particular preference given by the sepoy to the artillery, cavalry, or infantry service?—The sepoys I think, generally speaking, prefer the infantry; there are a great number of them about Arcot, Vellore, and Trichinopoly who prefer the cavalry. The infantry have less trouble, although they would have more pay in the cavalry.

1521. Have you experienced any difficulty of late years in completing the native regiments?—None.

1522. Is the service popular with the natives?—I do not think you now get such good men as you got in former days. I do not think you get Musselmen now as you got formerly; you rarely get them now.

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1523. To what cause do you attribute that?—I think the Mussulmen do not like to put their sepoys into the service, unless they get them in as sepoy recruits. There are so many other ways in which they can get them employed, in the provincial courts of justice, for instance, and other places.

1524. Are these situations preferable, in point of payment, to that of the soldier?—I do not know that they are preferable in point of payment, but they have a much easier life of it, and many advantages in the country which they have not as sepoys.

1525. Are the various equipments of the army the same at the three presidencies?—I cannot exactly answer that question.

1526. Are you of opinion that the rewards given to native officers at Madras of distinguished character have had a good effect with the native branch of the army?—I am not altogether convinced that it has had a good effect. I think it makes more people dissatisfied than it makes satisfied.

1527. Would you consider that if a regular system were established, by which a certain number of rewards was fixed, to which men, from length of service and distinction, should rise by recommendation of the officer and the Commander-in-chief to Government, it would be a beneficial establishment for the encouragement of the native army or not?—I think it certainly would be an encouragement to them, if they got this only through the commanding officer of the corps; but now, when they get rewards, the commanding officer is not asked any questions. If he has influence at head-quarters, he gets it for them; if not, he is not consulted.

1528. Are these rewards generally fairly bestowed?—Yes, I think they are; but I consider it of very little consequence whether they are fairly bestowed or not, if they are not bestowed through the commanding officer.

1529. Does not the commanding officer of the corps make full and regular reports of the services, both ordinary and extraordinary, of the different native officers of his corps?—Yes.

1530. Do you not think that when men came to be selected for recommendation to Government by the Commander-in-chief, that every Commander-in-chief would have reference to these recommendations, if it was a regulation that the specific service of the various officers who were deemed to have pretensions should be placed on the records of Government?—Yes, I think he would.

1531. You think that sufficient authority is not given to the commanding officer of a regiment?—I do not think it is. I think after certain service he should be allowed to promote whom he pleases, and to break also without court-martial; unless he has that power, sentinel duty never will be well performed among the natives, who combine together to make their duties as pleasant as possible to each other.

1532. Do the natives receive corporal punishment?—Yes, with the cat, not with the rattan; but they are never punished without the sentence of a court-martial. The rattan is not allowed now. I think it is wrong. I think they require a little punishment with the rattan, which would be an advantage, and at the same time save a more serious punishment.

1533. Would you leave the punishment of the men with the rattan to the uncontrolled discretion of European officers?—I would confine it to the commanding officer and adjutant.

1534. And

26 March 1832.

Colonel
J. David Greenhill,
C. B.

1534. And allow them to punish the men without the sentence of a court-martial ?
—Yes, it always has been so.

1535. When a sepoy has been punished by the cat, on the sentence of a court-martial, does that operate at once as a dismissal from the service ?—Now it does generally.

1536. Are the native non-commissioned officers subject to punishment by sentence of a court-martial ?—Yes ; and only by sentence of court-martial.

1537. Do you conceive it would be a good thing if they were exempted from punishment ?—No ; but I think the commanding-officer should have the power occasionally to reduce without a court-martial.

1538. Has the colonel of the regiment any power, as in the King's service, of dismissal without a court-martial ?—He had the power to break havildars, but he has lately been deprived of that power.

1539. When you say you think the colonel ought to have that power, do you extend that opinion to native commissioned officers as well as men ?—Only to the non commissioned officer.

1540. What is your opinion with regard to the utility of the establishment of sepoy recruits ?—It is of the greatest utility : and nothing could be more injurious to the feelings of the sepoys than to deprive them of that establishment ; they produce always the best and smartest soldiers ; they are employed generally about the European officers, and become better acquainted with our customs than any other class not employed about us.

1541. Do you conceive that a regulation which gave a small additional pay to the son of a native officer, as he passed through the different grades of the service, and exemption as far as is practicable from the disgrace of corporal punishment, would induce the native officers to allow their sons more frequently to enter the service than they now do ; and would it be a measure beneficial to the service ?—I think they would allow their sons to enter the service, but I think they ought to be made to perform every duty ; and I would exempt them from corporal punishment certainly.

1542. Do native officers ever retire on half-pay ?—Yes ; they are pensioned.

1543. At what period of the service ?—No period is named ; when they are not fit for field-service. They are first examined by a committee in the battalion, and then a committee in the line ; but there is no particular period of service : when they are not fit for further field-service, then they are put on the invalid or pension establishment.

1544. Are there not many native commissioned officers pensioned on full pay ?
—Sometimes.

1545. What are the regulations affecting the two cases respectively, the giving of half and full-pay ?—The pension is on half-pay ; the invaliding is on full-pay ; there they perform invalid duty, garrison duty.

1546. Then when a man is pensioned on full-pay, he does not retire from the service, but is transferred to a corps of invalids ?—When he is pensioned, he retires from the service ; when he is invalided he is appointed to a corps of invalids.

1547. On the average, after how many years does that generally occur ?—I think about 30, 32, or 33 generally speaking.

1548. Do

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Colonel
J. David Greenhill,
C. B.

1548. Do you consider the pay to soubahdars and jemmadars sufficient for the comparative rank which they hold in the corps?—Yes; a soubahdar has three grades of pay: when he is first promoted to a soubahdar he gets soubahdar's pay; after a certain number of years, I think five years, he gets another grade of pay, and when he has served still longer, he gets a third grade of pay; but I think none of this should be given without the recommendation of the commanding officer of the corps.

1549. Now as to the jemmadars?—I think the pay of the jemmadars quite sufficient, although they do not get near so much as a soubahdar.

1550. Would it not be a great advantage to the discipline and good conduct of regiments if advantages were held out to native non-commissioned officers on their retirement of appointment to places in the revenue or police for which they might be capable?—No, I do not think they would be fit for anything of that kind.

1551. Do you consider that it might be beneficial in encouraging native officers to the active performance of their duties, to select them for the command of small police or revenue corps, or other duties in the police administration that might be filled by active and efficient men from the native army?—For the revenue corps I think they would be very useful; in the police corps I do not think they would answer; but there are hardly any revenue corps now.

1552. If the police corps were more under military discipline, and organized on a similar footing to battalions, would such men be useful?—You would take away the best officers from our corps, and I would therefore object to it.

1553. Would they be useful in the police?—They would be useful of course.

1554. Do you not think that your best and most useful non-commissioned officers would raise a sufficient number to fill their place by the advantages they would have held out to them?—You would take away the best; we might get others very soon, but perhaps not so good.

1555. When did you leave India?—In April last.

1556. Is the memory of the former mutinies at Madras completely effaced from the minds of the native troops?—I consider so.

1557. Have the late regulations of the batta at all affected the attachment of the troops?—That is in Bengal, and I cannot speak to that.

1558. Are there a sufficient number of European officers generally with the native regiments to do the duties of them?—No, certainly not; there should be one with each company.

1559. As to the staff officers, do you think any improvement might be made in the way of nominating them?—I think the greatest improvement might be made in the way of nominating them, and in the discipline of the army. I think that officers selected for the staff should be selected only on the recommendation of the officer commanding the corps, stating that he has conducted himself with respect and with temper and patience with the men, and paid attention to acquiring a knowledge of the country languages.

1560. Are the European regimental officers frequently exchanged from one regiment or battalion to another, and if so, do you think that ought to be avoided?—They never are.

26 March 1832.

Colonel
J. Duff Greenhill,
C. B.

1561. Are the sepoys allowed, when they proceed on service, to leave family certificates to assign what portion they choose of their pay to their families?—They are allowed to assign a certain portion of their pay, not what they please, nearly one half.

1562. Is not this arrangement one that is of great advantage to the men, and calculated to preserve their good feelings and attachment upon distant service?—Most certainly it is.

1563. Are the sepoys allowed to send letters postage-free to their families?—Yes, a certain number every day from the corps; the colonel franks.

1564. From what part of the Madras territories do you conceive the best recruits are now obtained for the infantry?—I think from the Northern Circars.

1565. Are you aware that about 30 years ago it was almost impossible to obtain recruits from that quarter of our territories that remained with a corps?—I was with a new corps that was raised 32 years ago; I know that desertion was very great formerly from that quarter, now it is very trifling indeed.

1566. Are not desertions very rare from all branches of the native army in the presidency of Madras?—Very rare.

1567. Would you, and do you think the general wish among the European officers serving in India would be to be incorporated under the King instead of serving under the Company?—No, certainly not; I do not think it is a system applicable to the native army; it would excite dangerous suspicion on the part of the natives.

1568. Do you think that is the general feeling as well as your own?—I think so.

1569. Do you think that any more economical arrangement might be made with regard to the Madras service without detriment to that service?—No; I do not think it possible to make any retrenchment at all.

1570. Will you inform the Committee of your sentiments respecting any changes that have occurred in the native branches of the army during the period of your experience?—When I entered the service in 1795, and joined a corps in 1796, most of the corps were in single corps stations; few of the companies at head-quarters, most of them detached. The commanding officer then had unlimited powers; the men looked up to him accordingly with great respect, and never thought he could do wrong; many abuses were practised by him, but they were not thought wrong. I do not advocate these abuses. He had the power to make and the power to break, and he promoted native commissioned and non-commissioned officers as he himself pleased, not always agreeably to seniority; he felt the strongest interest in their welfare, and treated them with the greatest kindness, although very often with a good deal of violence; they saw no person superior to him; superior military authority never interfered, and civil authority could not interfere; they respected him accordingly. All their disputes among themselves were settled by punchayet or arbitration. A great change has taken place. Punchayet has been forbid lately; and now when the corps comes to a large station, the soubahdar finds his commanding officer of no consequence; frequently hears him rudely spoken to on parade, and not able to prevent the issuing of orders which are sometimes obnoxious to the feelings of the sepoy.

1571. Do

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Colonel
J. David
C. B.

1571. Do you mean to say that the non-commissioned officers are taken strictly by seniority?—Not exactly strictly; if they are not altogether fit they are passed over, and the next is promoted.

1572. The lowest rank of a non-commissioned officer is a naick?—He is not a non-commissioned officer, he is rank and file.

1573. For a man to be a havildar must he have been a naick?—Yes.

1574. How do you appoint your naicks, by selection or seniority?—There is first what they call a confidential sepoy, selected from the company by the officer at the head of the company; when they come to seniority, if there is nothing particular against them, they are made naicks.

1575. Is that by regulations promulgated from the commanding officer of the corps, or from the head-quarters of the army?—From the head-quarters of the army.

1576. Who is left with the discretion as to whether the confidential sepoys are fit for promotion?—The commanding officer of the corps.

1577. Do you consult the defaulter's book as to selection?—Yes.

1578. Have you any improvement that you could suggest to the Committee in the interior economy and conduct of a native corps that would add to its efficiency?—There is one thing I would recommend, that the four grand divisions of a corps should be placed under the command of the four senior officers; that the soubahdars and native officers should not be placed under very young men. I think it would give these senior officers consequence among the European officers; authority in promotion is now divided between the commanding officer and the officers at the head of companies. I do not think when that is the case either of them will have sufficient influence; I think all authority should emanate from the commanding officer. He should give the officers power; but let the men see they depend entirely on him in the exercise of it. There is a custom in the service now that a naick can only be reduced, and a havildar only be reduced; they cannot be suspended. It often happens in consequence of that they are not punished at all. I would recommend that they should be subject to suspension.

1579. Have you anything to suggest as to the European staff?—I think that the commanding officer of the regiment should have the recommendation of the staff always; he is answerable for their being properly qualified.

Sabbati, 31^o die Martii, 1832.

The Right Hon. Sir JOHN BYNG, in the Chair

V.
MILITARY

Colonel WILLIAM DICKSON, C. B., called in and examined.

31 March 1832.

Colonel
W. Dickson, C. B.

1580. You are in the cavalry service of the East India Company?—I am, in the 6th regiment of cavalry at Madras.

1581. How long have you served in it?—About 35 years, including the time I have been on furlough in England.

1582. Solely in the Madras presidency?—I have served with Bengal and Bombay troops, but I belong to the Madras presidency.

1583. Have you served entirely with native corps?—I belonged to the native service, but I have occasionally had Europeans under my orders.

1584. What number of officers do you consider it necessary to have with a regiment of native cavalry, in order to secure a sufficient number for the duties?—I should think there ought to be at least three per troop, exclusive of field officers and staff.

1585. How many native officers have you with a regiment of cavalry?—There are three per troop.

1586. Do they perform the greater part of the internal duties?—The greater part of the subordinate duties.

1587. The payment is made by the European officer, is it not?—It is, assisted by the natives under their command.

1588. Do the native officers associate much with the European officers?—Not so much as they ought to do.

1589. Is not sufficient encouragement held out to them to do so?—There is by the Government, but I do not think it is sufficiently attended to.

1590. Is there any unwillingness on the part of the native officers themselves to mix much with their brother European officers?—None whatever, as regards common intercourse; but they are prevented by religious prejudices from attending convivial or dinner parties, or other intercourse of that description.

1591. Do the European officers generally become sufficiently acquainted with the language of the country to enable them to converse with the native officers?—They in general do, particularly the seniors.

1592. Are you of opinion that the native officers might be advanced higher in rank with advantage to the service?—I think there ought to be higher grades for a certain proportion of them, in order to give a further stimulus to their exertions.

1593. Would any further advantage which you think could be given with propriety to the native officers be desirable?—I think so.

1594. Are there any particular advantages that you can specify?—I think there should be a superior grade to that which now exists higher than that of soubahdar-major.

1595. What

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Colonel
H. Dickson.

1595. What authority would you give them in that rank?—I would make it rather a retiring advantage than a military rank giving authority, and as a reward for services performed.

1596. Is the cavalry service much preferred by the natives?—Generally, particularly by the Mussulmen.

1597. Is the rate of pay sufficient to induce them to be desirous of enlisting?—The rate of pay is superior to that of infantry, but perhaps not equal in proportion to the expenses that they are at in dress.

1598. Have you any difficulty in completing your regiments?—None in the world; on the contrary, there are many claimants who cannot be admitted.

1599. Do you get a superior description in the cavalry service?—They are superior to the infantry.

1600. Do the same families attach themselves to the same corps?—Generally they prefer it.

1601. Do you ever find any difficulty in mounting your regiment?—None, I believe, exists.

1602. Is the description of horse you get a good one for the purpose?—Fully equal to the native service.

1603. Can you at all say what is the total annual expense of a cavalry native soldier and of his horse?—A private trooper costs about 30 rupees, or 3*l.* per month, exclusive of his horse, which costs about 500 rupees, or 50*l.*, before it is received in a regiment. This includes pay, clothing, saddlery, and accoutrements, and the feed of the horse in cantonment.

1604. When native regiments are serving with an European regiment, does a good understanding generally subsist?—In general a very good understanding exists, particularly where the European regiments have served a long time in India.

1605. In what branch of the army, the artillery, the cavalry, or the infantry, have the officers the greatest advantage in promotion?—I believe the artillery and engineers have latterly had the advantage.

1606. Is there any particular selection of cadets made for the cavalry service?—No, it depends upon the interest of the parties.

1607. From your experience, would you think it desirable that the armies of the three presidencies should be under one commander-in-chief, with a general commanding at each presidency under him?—I should think in many points it would be an advantage and be desirable; it would do away many prejudices and inconveniences which I conceive now exist, but it should be done under certain regulations, keeping the troops of the different presidencies within certain limits of their own parts of the country.

1608. Is the general discipline of native corps easy to be kept up?—Quite easy, when once attained.

1609. Is the native soldier naturally inclined to obedience?—He is naturally obedient and well-behaved.

1610. Do they show much attachment to the European officers?—They do; particularly where they are well treated.

1611. Is there frequently a disposition manifested to change from one regiment to another?—Very seldom.

1612. If

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Colonel
H. Dickson, C. I.

1612. If any such wish is expressed, is it allowed?—Generally, where it does not interfere with the convenience of the service.

1613. Is there any advantage to the native soldier, which at present does not exist, but which you would recommend, as desirable to be granted?—I do not immediately recollect any particular advantage which they are entitled to, and which they do not already possess.

1614. Have they frequently the indulgence of a furlough granted?—Yes, a certain proportion (four or five per troop), except where their services are actually required.

1615. Is an application for a discharge of frequent occurrence?—Only in cases where they may have been harshly treated; it often occurs that men are discharged as a punishment for misconduct.

1616. Do you consider the situation of a cavalry soldier preferable to that of a labourer?—Infinitely.

1617. Is there not also a degree of credit attached to the profession?—Certainly, by all natives.

1618. Are there any of the Company's European regiments at Madras?—There were two of infantry; now, I believe, called two wings of one regiment.

1619. Are there any European cavalry?—None.

1620. Have you served with those regiments?—No.

1621. Do you happen to know how they are recruited?—They are recruited from a depôt in this country.

1622. Are you of opinion that it would be desirable, either in point of expense, or the general efficiency of the service, to substitute for the regular native cavalry any other description of cavalry?—Certainly not; no other description that I am acquainted with could be substituted at less expense with reference to its efficiency.

1623. There is no description of irregular cavalry that could be raised in the country that would, in your opinion, answer the purpose?—Certainly not; the great advantage that we have over the great masses of the enemy we have to cope with, is the superiority of the few regulars that we have got in our army.

1624. Are you acquainted with the horse artillery at Madras?—I am; I have had a troop of native horse artillery in my brigade.

1625. When did you leave Madras?—About 14 months ago.

1626. Have you formed any opinion as to whether it would be practicable to diminish the amount of the horse artillery at Madras?—It has been diminished lately, and I believe to the extent that it admits of. I am of opinion that the whole of the artillery ought to be Europeans.

1627. Do the native cavalry regiments suffer in their efficiency by deductions for the staff?—They do considerably; there is very often a great deficiency of European officers.

1628. Would you propose any regulation by which that inconvenience should be avoided?—I think if the staff, particularly the civil branch of it (the commissariat), could be removed from the effective strength, it would be desirable.

1629. How are your cavalry armed; have you any armed with lances?—They are armed as light cavalry, with a sword and pistols; there are no lancers.

1630. No carbines?—None.

1631. What

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Colonel
W. Dickson, c. r.

1631. What proportion of European cavalry should you say should be attached to the native cavalry on service, and on the regular establishment?—I should say that the cavalry require a smaller proportion of Europeans than the infantry, but they ought to be in the proportion of a regiment of dragoons to four or five regiments of native cavalry, a fourth or fifth when on service.

1632. Why do you think the cavalry require a smaller proportion than infantry?—Because I consider the cavalry soldier of a superior class of men, and less requiring an example than the infantry.

1633. Do you mean that the cavalry have a greater superiority over the enemy they are likely to meet in the field than the infantry have?—What I mean to express is, that a cavalry soldier is a superior and higher spirited man, and when mounted, has, with the assistance of his horse, more physical power over his enemy on a plain than an infantry soldier, who often has to act against an enemy posted behind works.

1634. Would you confine that proportion of one-fourth or one-fifth to the time when the army is actually in the field?—To the proportion actually in the field; but to have it available in the field, you must always have it in cantonments in readiness, as war may be commenced and ended in that country, almost before the authorities in this country know anything of it.

Lieutenant-Colonel EDWARD HAY called in and examined.

1635. You belong to the infantry service of the Madras establishment?—Yes. *Lieut.-Col. E. Hay.*

1636. What situation do you hold now?—Commandant of the Company's depôt.

1637. How long have you held that situation?—Eleven years, and have been attached to it since 1814.

1638. What duties attach to the situation of commandant of the Company's depôt?—To receive the men, and to train them, and embark them for India.

1639. Have you any difficulty in getting troops for the Company's service?—I should say not; I think it rather a favourite service; men readily enlist.

1640. Have you an establishment at Cork and at Dublin?—We have.

1641. Are the cadets from Addiscombe sent to you before they go out to India?—No, they are not.

1642. What officers have you under you at Chatham?—There is one major, who is also quarter-master, one adjutant, one surgeon and one paymaster.

1643. How often in the year do you send out reinforcements to India?—It depends upon circumstances; I should say on the average five or six times a year; when ships are ready and when men are ready they are embarked.

1644. Since the peace, how many have upon the average been sent out in the year?—During the 11 years I have commanded, we have sent out at the rate of 1,500 a year; we have sent out 17,000 men in all, 800 of whom have gone to St. Helena.

1645. Do the invalids from India come to the depôt previous to their discharge?—They do not.

1646. Is the bounty for the recruit of the Company's service the same as that in the King's army?—Exactly.

1647. What

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Lieut.-Col. L. Hay.

1647. What is the amount of the bounty?—The bounty is 3*l.*; including the levy money, it is 4*l.* 6*s.*

1648. What period do you generally keep them at Chatham, previous to embarkation?—I think upon the average three months, rather under.

1649. Is there any restriction as to age in sending out recruits?—Our present regulation is between 20 and 30.

1650. Have you served in India?—I have, but only a short time, 12 years.

1651. Are you of opinion that there would be any advantage in allowing the King's private soldiers, when the King's regiments are ordered off, to volunteer for service in the Company's European regiments?—That would depend upon their fitness as to age, and height, and character.

1652. Supposing those qualifications to be found in the volunteer, should you think it desirable that he should be permitted to offer his services?—I see no objection.

1653. Would it not be a saving in point of expense?—Certainly, in one sense; but if much has been taken out of a man previously, you would lose so much in that way.

1654. The Committee understand, that at present they are prohibited from volunteering after the age of 30; do you presume that at the age of 30 a man is worn out for effective service?—It depends upon what he has been doing before he is 30; how long he has been in the army, and what are his habits.

1655. Generally speaking, from your experience, should you say a man was worn out at the age of 30?—No, certainly.

1656. At what age do you send them out from England?—At present, from 20 to 30.

1657. How long do they remain in India?—They remain till they are invalided, or that their period of service has expired.

1658. Have you any calculation showing what number of years they serve in India?—I have not.

1659. What is the average expense of the dépôt establishment at Chatham?—It is 3,361*l.* a year.

1660. What do you include in that establishment?—I include the permanent officers, and non-commissioned officers and buglers. When I have mentioned upon the average we have sent out 1,500 a year during the last 11 years, I ought to mention that the recruiting has very much diminished latterly; there were only about 500 raised last year, as the establishments are nearly complete.

1661. Do you recruit separately for the artillery and infantry?—We do.

1662. Judging of the description of men you have for those two corps, as compared with those of His Majesty's service, which you have continual opportunities of seeing, should you say that your recruits are equal to those obtained by His Majesty?—Decidedly; and I believe I should be borne out in this opinion by His Majesty's inspecting field officers, and by the observation of all His Majesty's officers at Chatham. The artillery are a particularly good class of men.

1663. Do you allow a man to purchase his discharge after he has joined you at Chatham?—Yes, for 20*l.*; we throw no obstacle whatever in the way.

1664. In what places have you recruiting establishments?—At Dublin, Cork, London, and Liverpool.

1665. How

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Lieut.-Col. *E. Hall*.

1665. How many officers have you at each establishment?—One officer to each party.

1666. Do you think that a much greater number than you have ever had occasion for could have been annually recruited if required for India?—By extending the parties to different parts of the country, I should say certainly.

1667. Does the sum you mentioned as the expense of the establishment at Chatham, include also the expense of the four stations you have mentioned, namely, Dublin, Cork, Liverpool, and London?—No, it does not.

1668. What is the average expense of those four establishments, in addition to the Chatham establishment?—I am not aware, as the accounts do not come through me.

1669. Is there any change of system you would propose in the recruiting department?—I am not aware of any that is necessary. I have doubts whether the age of 30 is not rather too old for a recruit. I should say up to 25 or 26, but that is a matter of opinion, and officers of greater experience may think differently.

Lana, 2^o die Aprilis, 1832.

The Right Hon. Sir JOHN BYNG in the Chair.

Colonel WILLIAM DICKSON, C. B., called in and further examined.

2 April 1832.

Col. *W. Dickson*,
C. B.

1670. WHAT is the average weight of a native trooper with his accoutrements complete at Madras?—Thirteen stone, I think, two or three pounds, in marching order, with all his accoutrements; the calculation is made on the average of eight stone only for the trooper, and five stone for accoutrements and articles.

1671. Are you aware of the weight of an European dragoon in India, in marching order, with his accoutrements?—I believe about 17 stone.

1672. Do you find the native horse fully equal to the weight of the English dragoon with his accoutrements?—The horses that have lately been received are rather deficient, and inferior to those that formerly were supplied for the dragoons.

1673. From what cause does that arise?—I should answer that by saying the whole country being taken into the occupation of the English, those chiefs who formerly encouraged the breed of horses are entirely expelled, and the description of horse is now lost.

1674. Are your cavalry at Madras principally mounted on horses bred in the neighbouring country, or from a long distance?—Not from the neighbouring country, but from long distances, generally from the coast of Guzerat, Arabia, and Persia.

1675. Are desertions common in the native cavalry at Madras?—They are scarcely ever heard of.

2 April 1832.

Col. W. Dickson,
C. B.

1676. Have you recruit boys in the cavalry corps, and what number?—There are recruit boys and pension boys, I think four per troop.

1677. Do you consider this an useful establishment?—Particularly so.

1678. Do many of those boys rise to the situation of non-commissioned officers? A large portion of them do.

1679. And of native commissioned officers?—Yes, of course.

1680. Have you schools in your corps?—Yes.

1681. Do you consider it an useful institution?—I do.

1682. Have you a stud establishment?—There is no establishment for breeding horses in the Madras presidency.

1683. Do you find in marching a considerable difference in the distance which European cavalry, mounted on horses of the country, and the native cavalry can go, arising out of the different weight of the troopers?—Since the Europeans' horses have fallen off in quality, I do not recollect any instance where they were employed so as to afford that information; but formerly I have marched with European dragoons and native cavalry long and forced marches, when the Europeans were equally well carried.

1684. What is the longest forced march you ever recollect making with European and native cavalry?—I have marched with European and native cavalry about 75 miles in 24 or 25 hours.

1685. Were you engaged at the end of the march?—There was no engagement; but the troops were fully equal to it, had it been necessary.

Major J. W. AITCHISON called in and examined.

Major
J. W. Aitchison

1686. You belong to the East India Company's service?—I do.

1687. In the presidency of Bombay you have served?—Yes.

1688. For how long?—Twenty-six years.

1689. What situations have you held?—I held the situations of aide-de-camp, brigade-major, assistant, deputy, and adjutant-general.

1690. What is the last situation you held?—Adjutant-general of the army.

1691. When did you leave India?—In May last.

1692. Have you served much regimentally?—Eight years, during which period I was twice adjutant of a regiment.

1693. Have you served with natives or Europeans?—With natives.

1694. From the situations you have held, you must be well acquainted with the discipline of native troops; inform the Committee what is your opinion?—My opinion is, that the discipline of the native army is carried to as high a pitch as circumstances will admit of, or as is necessary, from the nature of the service; they have the same rules and principles as the British army, so far as they are applicable to that description of troops, and which are in force in every situation.

1695. Do the regulations of the service enforce particularly the necessity of proper attention from the officers to the religious feelings and customs of the country? Decidedly so.

1696. And with that attention the natives take great pride in the service?—Much depends upon how far they have confidence in and attachment to their officers.

1697. Their

1697. Their attachment to their officer is very great generally?—Yes, if the officer deserves it.

1698. With respect to young officers on their arrival in India, are they generally sent to the European or native regiments at once? To the native regiments; the chief object is to separate them as much as possible, and to place them in a healthy situation on first entering the service; if they get together they are apt to be idle and mischievous.

1699. How long have you held the situation of adjutant-general?—Five years nearly.

1700. During that time have you observed any difference as to the health of the troops?—There has been no field-service during that period; I think the troops have been more healthy generally than if exposed in camp under all seasons.

1701. Has not the general health of the European troops much improved during the last 20 years?—I think they have been less exposed to the exigencies of service, and consequently in comfortable quarters and barracks; more healthy than otherwise.

1702. What is the general average of the sick Europeans?—Five per cent., including accidents or any exemption from duty. The adjutant-general of the army makes a return to the commander-in-chief monthly, that he may see the comparative healthy state of each regiment.

1703. Is this calculation made subsequent to the abolition of the unhealthy cavalry station of Kaira?—Certainly; that place was the grave of any European regiment that went there.

1704. What is the average proportion of the native sick of Bombay troops?—Two per cent.; I have seen a blank return of a native regiment, from having no men sick.

1705. Have you at any period found difficulty in recruiting the native regiments?—During the war in 1817 and 1818, in consequence of a considerable augmentation of the Bombay army, and from the limited extent of our provinces, there was a difficulty, and subsequently, of obtaining men from the territories within our presidency; we therefore enlisted many recruits from Hindostan and adjacent provinces; but I have no doubt, in future, we shall be enabled to procure men within our own limits.

1706. What do you consider the average service of a native soldier in India? The average service is 21 years; but he is bound to serve 30, to enable him to retire on a pension equal to his full pay.

1707. Have you any invalid corps?—We have a native veteran battalion. No man is eligible to enter it unless he has served 20 years with a good character; we then get 10 years' more service out of him for local duty.

1708. The native soldiers, generally, dislike to be discharged, do they not?—Of course; there is no service they can obtain equal to that of the Government.

1709. What is the average age at which you take native recruits?—From 18 to 22 in time of peace; in time of war we should not reject a good man if he were 25.

1710. You would not like to take him under 18?—He is not eligible.

1711. In time of war you would not?—No; we then go as far as 25, if he is a good recruit, but not below 18.

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Major
J. W. Adams

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Major
W. Atcheson

1712. It is usual to keep on the establishment of each regiment a certain number of boys?—Yes; and a most useful establishment it is. From that source we obtain eventually our best non-commissioned officers. I would rather see as many men less in the regiment than those boys removed from it. It attaches both the parent and the son to the service, and brings them up in the most useful manner for the purposes of the army.

1713. Do the native officers generally live on good terms with the European officers?—Certainly; our intercourse is much confined to the purposes of duty, but some European officers have kinder feelings towards them than others, from better acquaintance with their habits and language.

1714. Does a generally good understanding exist between the European and native officer of the same regiment?—Yes, certainly.

1715. It is a particular duty on the part of an officer to keep upon that good understanding?—It is enjoined by the regulations.

1716. Are there additional advantages you think it desirable to give to native officers, as an encouragement to the service generally?—Yes; I think a native officer should be transferred to the pension list, with the pay of the class to which he belongs, if he deserves it, and is recommended to the commander-in-chief for such an indulgence. At present, however long he has served, he is removed upon the lowest rate, which is very galling to his feelings, because a man of the highest class is put on the pension list on the same terms with one who has perhaps not served half the time as a commissioned officer. I think the pay of a jemadar should also be increased; at present it is inadequate to his expenses, and consequently the native officers of this rank are generally in debt.

1717. Do you think it advisable to let them rise to a higher rank than at present?—Not for effective purposes; no doubt all honours and rewards are valued, and considered of great importance in the eyes of the native army.

1718. Do you think that of appointing them to command forts is desirable?—Most desirable. I know the feelings of the service would be very much gratified by that institution.

1719. You think they might with security be entrusted with this charge?—Certainly. They are all within the limits of our own provinces.

1720. Is there such a rule established in Bombay?—There is; it took place about three years ago, and I know that it has had beneficial effects on the service.

1721. How long is it since you left Bombay?—In May last.

1722. At that time the present reduction of the army had taken place?—It had.

1723. Do the imperative duties in that presidency admit of any further reduction?—I should say, certainly not. It is the duty of the adjutant-general to report to the commander-in-chief what number of reliefs each regiment has off duty; and at no station were the men more than two nights in bed when I left Bombay.

1724. Is it possible to reduce the duties?—I believe not.

1725. Of all the detachments?—That I am not competent to say. Before a detachment is ordered, it depends on the requisition that is made. It may be connected with political circumstances.

1726. What

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Major
J. W. Atchison.

1726. What is the smallest strength of a detachment sent out in the presidency of Bombay?—It depends on the duty to be performed.

1727. That is stationary, not as an escort?—A company would be the least for any effective purposes; it varies from that to a wing. The detachment, if ordered to a district permanently, would be subdivided into smaller details.

1728. Are the pay and allowances to officers with the troops in the three presidencies the same, or is there any difference?—They are nominally the same, as far as regimental allowances go; but there are advantages under the Bengal presidency which do not prevail at Bombay.

1729. Are you aware whether there are greater expenses required at Bengal than at the other?—I should say not, judging from the rate at which a sepoy can live; as to an officer, it depends on his own inclination or habit.

1730. Are you aware if there is a preference given by officers to the service in Bengal over Bombay or Madras?—While this distinction lasts, a preference would be given to Bengal; but as we enter the service as youths, and do not quite understand this difference, we of course only find it out when too late to remedy it.

1731. Are you aware at which presidency the officers have the advantage of promotion?—The rules that govern the promotion are the same.

1732. But you rise, do you not, at each presidency?—Yes. I should say there is no difference. It must be owing to casual circumstances, if there be; but I am not aware that there is any. I find cadets of the same season who went to India when I did, in Madras and Bengal; some are more advanced than myself, and others not so.

1733. Are you of opinion it would be advantageous that the three armies of the three presidencies should be under one chief?—I think it would be desirable for all purposes of general efficiency and control; but there are local duties and peculiar habits connected with the army of each presidency which must depend on local information and local authority.

1734. Would you consider it desirable that that army should be made a royal army?—There is a difference of opinion upon this point; but judging from my own feelings, I am ready to attend the service of His Majesty whenever I shall be called upon. Much of course depends on the circumstances under which the transfer would be made. If it be merely for the exercise of authority over the Indian army, I think it would be advantageous to the service, as it would do away with a number of distinctions existing between the Royal army and the Company's army.

1735. Are you of opinion these distinctions would cease to exist, provided the local army of India was continued quite as a separate branch from other parts of the King's army?—I should hope so.

1736. What distinctions do you allude to?—The means of obtaining rank through merit, favour, and staff services. I think also His Majesty's officers obtain rewards and honours which are sometimes bestowed on the Company's officers, but are not a necessary consequence of their relative claims.

1737. Have not the Company's servants largely participated in those honours?—In the Order of the Bath, to a certain extent, but in no other way.

1738. Are

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Major
J. W. Archibson.

1738. Are you aware of the late regulations as to brevet?—Yes, for distinguished services in the field, but not for staff employ, which obtains in His Majesty's service; as adjutant-general, I had merely the nominal rank of lieutenant-colonel; whereas a deputy of any colony in His Majesty's service, would obtain the same permanently, if under the rank of lieutenant-colonel.

1739. Are you aware that in His Majesty's service captains could not be appointed to so high a station?—Nor in the Company's, unless they have done 20 years' actual duty in India.

1740. Do you not think that if rank was bestowed in the local army of India by favour or appointment on the staff, it would create a considerable jealousy and uneasy feeling among the officers of the army?—I know not why it should.

1741. Do you think the present principle of rise by seniority could remain if officers were to have brevet rank given to them for staff appointments?—Certainly; it would give no regimental advantage over another.

1742. What number of European officers are you of opinion should be attached to each native regiment?—I think the present reduced number of European subalterns will operate injuriously to the service when the army is reduced to that number. In a regiment there are five captains, eight lieutenants, and four ensigns, making a total of 17 officers; of these, four are allowed to be absent on furlough to Europe, and four more are liable to be absent on staff or other detached employ; two others are required for adjutant and quartermaster, and of course not available for detached contingencies of service; of the four ensigns, two may be expected to be incompetent, either from youth or inexperience, to hold the charge of a company, consequently there will not be a platoon officer left, even with each grand division of a regiment.

1743. Do the general exigencies of the army require four officers to be absent on the staff or other detached duties?—The general average of the service is that; they are limited to four.

1744. The average is also four on furlough?—Four are allowed by the regulations; in some regiments they are more, in others less; it depends chiefly on sickness.

1745. What number of European officers do you think are required on the strength of each regiment of cavalry and infantry?—There are fewer detached duties for a cavalry officer, and probably their present establishment is sufficient; but to a regiment of infantry, I should say that four more, equal to the number required to be employed on the staff or detached service of the army, should be added.

1746. Have you known any children of European parents at Bombay, born in India, become recruits in the Company's service?—Yes, soldiers' children.

1747. Born in India?—Born in India of European parents; they are eligible, but there are very few of them.

1748. To any extent?—To no great extent; it is an extraordinary fact to mention, that in no regiment have I seen as many children as there were women, male and female together.

1749. Do you consider the climate injurious to infancy?—I know not why it should be so.

1750. Do

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Major
J. W. Atchison

1750. Do you consider this is by reason of their deaths, or an unwillingness to become recruits?—There is a want of numbers to enlist.

1751. Is it in consequence of the death of the children, or do they go to other businesses?—The death of the children.

1752. What is the pay of the sepoy at Bombay?—Seven rupees per mensem, and two and a half batta when actually in the field.

1753. What proportion of men do you allow to be on furlough?—Five per company in time of peace.

1754. Do you allow them to draw their pay when on furlough? They do so monthly, if they wish.

1755. Have schools been established throughout the native as well as the European army at Bombay?—They have.

1756. Will you mention to the Committee the principle on which those schools are instituted?—The instruction imparted is purely elementary; it is optional with the men to attend, but not with the boys.

1757. What is the nature of the instruction?—The common rules of arithmetic, and reading and writing, sufficient to qualify them for the duties of non-commissioned officers.

1758. When you draw troops from Hindostan, do you find any considerable difference in their military qualities from those drawn from the Bombay districts?—Not in military qualities: in personal appearance they are certainly superior, but in no other quality as soldiers.

1759. Have you any Christians?—A few only among the drummers, but none in the ranks of the native regiments.

1760. A small portion are Jews?—A small portion of the army are Jews.

1761. Do you consider native officers may be safely employed in command of revenue corps and other duties of police connected with the preservation of the peace of the provinces?—Most certainly.

1762. Have they been so employed at Bombay?—In two or three instances; and I believe with great advantage to the Government, as men on who reliance can be placed.

1763. Do you not consider such employment of active and efficient native officers to be beneficial to the army, both as it accelerates promotion, and as it gives encouragement to men of that class?—Most certainly.

1764. Are there any European regiments at Bombay?—There is one regiment of infantry, consisting of two wings; the promotion in each wing goes on separately.

1765. What is your opinion of the efficiency of that corps?—Highly efficient, as much so as any European regiment can be. If any want be felt, it is the want of officers.

1766. Is there an inefficient quantity of officers in that regiment?—I should say there is.

1767. What is the amount of officers attached?—They have the establishment of a full regiment, but so many are liable to be absent from sickness, furlough, and other causes, that each wing has seldom more than one captain present.

1768. The

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J. W. Atchison.

1768. The same causes that operate in impairing the efficiency of sepoy regiments, operate in the Company's European regiments?—Decidedly.

1769. They have the same establishments?—Yes; but they require more officers than native troops.

1770. Have you observed that the efficiency of the native private soldier, the sepoy, has been impaired by keeping the men too long in the service before they are allowed to retire?—No, certainly not. It is not optional with the man to retire; when he is found incompetent to the active discharge of his duty, the commanding officer reports him as unfit.

1771. Then he retires as a pensioner?—If he is eligible to a pension, he gets one; if not, he is discharged or invalided, according to the established rules of the service.

1772. You have not observed, in point of practice, that the men have been kept with their regiments after they have ceased to be efficient?—No, certainly not.

1773. What is your opinion with respect to the effect upon the service of the measure that amalgamated the two European regiments into two wings of one corps?—I think, as far as the European officers are concerned, it must prove injurious to the actual performance of their duty, inasmuch as they rise separately by wings, and are liable to supersede each other, instead of rising by a regular routine, according to previous seniority in the regiment.

1774. What is the rule with respect to invaliding sepoys that prevails at Bombay?—There is an annual examination, first by a medical committee, and then by competent officers, to report on all men who are deemed unfit for active duty; and if the medical committee pronounce any man, either from age or infirmity, incapable of active service, the military committee then recommend that he be discharged, invalided, or pensioned, according to the nature of his claims, and the rules of the service applicable to his case.

1775. Do you know what rule prevails on that subject in Bengal?—I do not.

1776. Do you know whether the practice in Bengal differs from that in Bombay?—I have heard that it does.

1777. In what respect have you heard that it does?—By their keeping men longer upon the strength of regiments.

1778. In Bengal?—Yes; I would beg to add, I have heard that when a man is transferred to the pension list at Bengal, or to the invalid establishment, his pay is reduced, whatever his length of service may be; it thus becomes an injury to an old soldier to remove him from a regiment, if he can be allowed to remain. That is not the case at Bombay, where after a service of 30 years, or if he is invalided, every soldier receives the same pay as when on the effective strength. The only persons who sustain a loss, as I said before, are the native officers of the rank of *soubahdar*.

1779. What is your opinion, from the whole of your experience in the Indian service, of the efficiency and the good disposition of the native troops?—They are highly efficient in every respect; and I think no troops can be better disposed towards the Government. I have never, throughout my career, known a single instance to the contrary.

1780. Do

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Major
J. W. Anthon.

1780. Do you know if the dram ration has been commuted at Bombay for a payment in money?—The European troops *vis à* Bombay receive no dram allowance from Government, if in garrison; when in the field, they get it.

1781. Do they get drams or money?—They get the liquor furnished through the commissariat, that we may be certain that it is good and wholesome.

1782. Do they get any allowance of that description out of cantonment?—Not that I am aware of. The European soldiers at Bombay, when at a field station, are entitled to two drams a day, but one is only issued, and they receive a commuted allowance for the other, which is expended in coffee.

1783. How long has that change taken place?—About four years ago.

1784. Do you think it an improvement?—Certainly; it was very unpalatable to the men, but beneficial to their health. •

1785. Have you any inspection of regiments made by the generals and brigadiers on the staff?—Annually, according to the principle of His Majesty's service, when a confidential report is made out on every point connected with efficiency and conduct, and the same returns are prepared as in the King's army, with some additional rules applicable to the country.

1786. How are conductors of stores or the commissariat, staff-serjeants to native regiments, staff of garrisons, &c. furnished in Bombay?—They are all drawn from the European regiments of artillery and infantry.

1787. Can you state the number of draughts this makes for the staff-establishment?—The total number of warrant-officers, and non-commissioned staff must amount to upwards of 100 men. They would be more if the serjeant-major and quarter-master-serjeant were given to every native regiment; but there is such a drain of good non-commissioned officers from the European regiments to fill these situations, that it is necessary to check it as much as possible.

1788. Has there been at any period much desertion from the native army at Bombay, and is there so at present?—At one period there were great desertions, but I am happy to say of late years they have diminished to nearly one per cent. per annum. I attribute this to the adjoining districts now being those of the Company, whereas formerly our men were drawn from the Mahratta states, the government of which was opposed to our own.

1789. Do you think the late increase of the establishment of superior native officers has had effect in diminishing desertion?—Of course every thing that adds to the value of the service will induce men to stay in it.

1790. Do the commanding officers of regiments of the Company's service possess the power of appointing the non-commissioned and subordinate officers of regiments?—Exactly on that principle which is adopted in His Majesty's service; non-commissioned officers are recommended for promotion through the captain of the company, and if the commanding officer approves of the choice, he confirms it.

1791. Has he the appointment of adjutant and quartermaster?—His recommendation is usually awaited.

1792. Is his recommendation attended to?—Generally.

1793. But not always?—Not always.

E.I.—V.

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1794. In

2 April 1832.

Major
J. W. Aitchison.

1794. In point of fact, do you think the commanding officer of a regiment has sufficient influence in the appointment of his regimental staff?—I think he should have.

1795. Has he?—It much depends on the character of the officer.

1796. Generally speaking, has he?—I think he has. I have known it interfered with, but not without cause or reason.

1797. Is not a knowledge of the native languages, and having passed a committee, an indispensable qualification to be appointed to a regimental staff?—For an interpreter and quartermaster it is indispensable; for an adjutancy it is necessary, and of course often leads to a claim. If there be two candidates, we should take that person who had passed his examination.

1798. Have you known any instance of the appointment of an interpreter that was not sufficiently conversant with the language?—Never.

1799. From the high station you have held, is there any suggestion for the improvement of the army or presidency with which you are particularly acquainted?—The rules and principles of the service being the same as those of His Majesty's, I am not aware of any improvement in regard to discipline or efficiency that I can offer; but if permitted, I would suggest an alteration as immediately requisite in the allowances of a field-officer commanding a regiment; an addition to 400 rupees is indispensable; the remuneration of a captain, to a field-officer, is not sufficient to induce him to remain in preference to a staff appointment, and I think, in addition, he should receive what we term the "batta" of his rank, wherever stationed.

1800. In order to induce him to remain with his regiment, and not to seek a staff appointment?—Certainly.

Colonel HOUSTOUN, C. B., called in and examined.

Colonel *Houstoun.*
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1801. Do you belong to the East-India Company's service?—I do.

1802. What situation do you hold at present?—Lieutenant-governor of the Military Seminary at Addiscombe.

1803. How long have you been in the Company's service?—Thirty-six years.

1804. What situations have you held in India?—Principally regimental situations.

1805. Principally in the cavalry service?—In the cavalry service; I commanded a regiment of cavalry 10 years.

1806. When did you leave India?—Ten years ago; I arrived in England exactly 10 years ago, in 1822.

1807. How long have you had the superintendence of the establishment at Addiscombe?—Eight years next month.

1808. Of what number is it composed?—There are generally about 150 cadets, that is the full establishment when it is complete.

1809. How long are they allowed to remain there?—There is no fixed period for their remaining, they generally remain about two years; but lads of talent may get through in a shorter period.

1810. What is the earliest age at which they are received?—Fourteen.

1811. They

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Colonel *Houston*
C. B.

1811. They cannot remain more than two years and a half?—Two and a half; if after two years they do not show talent so as to give hope that they will qualify in the succeeding six months, they are recommended to be withdrawn. Some lads that are duller than others do not qualify in two years; but if the public examiner reports that they are likely to do so in an additional term, as a matter of favour more than anything else, they are allowed to remain.

1812. Do they go out to India at the early age of sixteen?—Yes.

1813. As cadets?—Yes; by the Act of Parliament, they cannot go out before they are 16.

1814. Are they appointed to a particular branch of the service before they go out, or are they selected when they get to India?—They are appointed here before they go out; they are recommended for different branches of the service on leaving the Seminary.

1815. Is that done from interest or merit?—Entirely from merit, undeviatingly.

1816. Do the cadets pay anything yearly for their support while at Addiscombe?—Yes, they do; for the first year, they pay 65 *l.*, and the subsequent year, 50 *l.*; the difference is for supplying them with an uniform and military equipments the first year they enter the seminary.

1817. What is the yearly amount of the expense of the establishment at Addiscombe?—I do not feel competent to answer that distinctly, except in generals.

1818. What officers have you under you?—For the discipline of the institution, I have three military officers and four non-commissioned officers, who are pensioned servants from the Royal Artillery; I have three officers, one who had been in the Company's service some time ago, and the other two are actually in service; young officers on furlough, who are allowed to come there as orderly officers to assist, and who are relieved at the end of their time.

1819. Have you any vacations allowed you?—Two.

1820. For how long each period?—About six weeks.

1821. Are the cadets brought up for each particular branch of service, or only for the engineering and artillery branches?—The establishment is formed for the training of officers for the engineers and artillery service; but for the last year or two those branches of the service not requiring all the cadets, the others have been draughted to the general service; but they are not destined ~~for~~ any particular service when they come there; it depends on their qualifying themselves.

1822. Do not the cadets for the cavalry and infantry service go there also?—No.

1823. Before you came from India you were in the cavalry service in the presidency of Bengal?—I have always belonged to the cavalry service; but for the last two years I was in India, I was commanding the troops in Malwa, under Sir John Malcolm.

1824. Had you a native regiment, or an European regiment during that period?—Five native regiments, and the only Europeans I had were a troop of horse artillery and two companies of foot artillery.

1825. Were the regiments with which you served in India entirely native regiments?—Always; the regiment I was attached to was a native regiment.

1826. Are you aware of what is the weight of a native cavalryman in the service, with his accoutrements and all that he carries on the march; that is, the man

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Colonel Houstoun,
C. B.

and every thing belonging to him?—I merely talk of the Bengal cavalry, 16 stone, as near as I recollect; I talk from recollection. I remember once a troop of cavalry being weighed against a troop of dragoons, this was many years ago, and to the best of my recollection there was a stone difference; it was a troop of the 8th dragoons, the Royal Irish, and a troop of a regiment of native cavalry. It happened to be the subject of discussion among the officers, who weighed them to determine the point.

1827. Do you recollect the weight of the man distinct from his accoutrements, or how much it was for the man, or how much for his accoutrements?—The weight of cavalry accoutrements I think is about 56 pounds, that is four stone.

1828. Do you know on the average what is the weight of the man, the native cavalry soldier?—I should think about 11 or 12 stone; the men in general in Bengal are the same class from which the infantry are taken.

1829. Do you recollect what the average weight of the Europeans weighed against them was; was the difference in the man or in the accoutrements?—The accoutrements were the same, the difference was in the man.

1830. Will you inform the Committee how many examinations take place at Addiscombe during the year?—Two.

1831. Be good enough to inform the Committee what takes place at the examinations; that is, the kind of examination the cadets are subject to?—It is carried on by an officer who is called the public examiner, which situation is filled by Colonel Sir Alexander Dickson, the adjutant-general of the royal artillery; he conducts the public examination entirely unconnected with the professors and masters who have had the instruction of the cadets. Before the examination takes place, he periodically visits the institution, to see what progress has been made, so as to be able to judge of the acquirements of the cadets, whether they are fit to be brought forward for examination; they are brought forward accordingly, and examined in the different branches in which they have been previously instructed by the professors and masters.

1832. Is it of frequent occurrence that a cadet is sent away, being unequal to pass his examination?—Occasionally they are unable to pass the test for engineers or artillery; but where there has been due diligence shown, with good conduct, and nothing against the lad except want of talent, as every one is not born with a mathematical head, and is not able to go through that test, which is the great one, then he is recommended to be allowed to go into the infantry.

1833. What arrangement takes place in draughting off to the engineers and artillery service?—Previously to the public examination, notice is given from the India House of the number of cadets required for each branch of the service, for the engineers and the artillery; the cadets examined are accordingly recommended for those two branches entirely from merit, as they stand upon the list. Of course if they were not fit, none would be selected.

1834. Is a strict discipline maintained at Addiscombe?—I hope so. It is as strict as possible, thinking the stricter the better.

1835. Is much confinement within a certain boundary necessary?—I do not put them under positive restraint; they have a great latitude given them, putting them on their honour and good conduct as gentlemen. I find this to be the best mode.

The

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Colonel Houston,
C. I.

The punishments that some time prevailed of the dungeon, &c., are entirely done away there; for some years I have not had occasion to have recourse to them. I have adopted other means, which have been pretty successful.

1836. Will you inform the Committee what punishment you have adopted for indiscretion or impropriety?—Arrest, and depriving them of all the privileges that well-behaved lads are allowed. Extra drill with the musket is the positive bodily punishment they undergo daily for a given period, extending to a week or a month, according to circumstances; in cases of very serious misconduct, cadets have been rusticated for a time.

1837. What are those young men who go to Chatham to be under Colonel Pasley taught?—They go to him to finish their education only. Only the engineers go to be taught sapping and mining and field engineering.

1838. You say the cadets generally leave you about the age of 16?—They are admitted from 14 to 18 years of age, and remain for two years.

1839. At what age do they generally go out to India?—About 17, generally speaking; the majority generally come about 15; a few come at an earlier age, and some older.

1840. Is the number that go out discretionary with the East-India Company, or does it depend on any fixed rule, arising out of the amount of the army in India?—I am not competent to answer that question.

1841. What quantity generally go out annually?—About 60.

1842. Has that number increased or diminished lately?—I think it has been pretty steady.

1843. How many go out for engineer and artillery services, and how many for the line, on an average?—It varies; until the last year or two, the whole went out into the artillery and engineers. In the last year there were half of them went out to the infantry, half of the whole; there were seven engineers in the last term, six artillery, and 18 for infantry; but that is not a general rule, that was a mere accident.

1844. The army in India is supplied with cadets from other sources besides Addiscombe, is it not?—As I mentioned before, Addiscombe was originally instituted for the education of engineer and artillery cadets only.

1845. Do you happen to know what proportion the cadets who go out to India without having been at Addiscombe, bear to those who have received education there?—Taking the general demand of the service, the proportion must be very limited of those at Addiscombe compared with others.

1846. Many more go out who have not been there?—Yes; there are only 27 battalions of engineers and artillery at the three presidencies.

1847. Do the cadets on arriving in India join native regiments, those who go to the line?—Those destined for the infantry do so of course, but those who are for the artillery join the head-quarters of those corps which are composed chiefly of Europeans.

1848. What is the nature of the education given at Addiscombe; is it an education for general purposes, such as is given to a soldier entering the service in England, or is there any peculiarity in it, specially accomplishing them for the service in India?—The only peculiarity is that of instructing them in the native languages of India.

• 1849. They

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Colonel *Houstoun*,
C. B.

1849. They are instructed in the native languages?—Particularly ; much time is given to it.

1850. Are they when they leave you, and have passed their examination, qualified to hold intercourse with the natives when they go there?—I think they are so well prepared that they soon acquire the habit ; but residence there is necessary to perfect them in it.

1851. Should you think it desirable that all cadets, before they join the native corps in India, should in some degree be prepared by a knowledge of the languages of the country?—It is desirable, but I should not say practicable ; and they very soon acquire it with their regiments.

1852. In point of fact, have you ever observed any inconvenience arising from cadets joining the native corps, who were not in any degree prepared by their acquaintance with the native languages?—I am not aware of individual instances having arisen ; the commanding officer would not put a young officer in a situation of that sort, where he was likely to commit himself.

1853. Were there not formerly seminaries in India to which officers on their first arrival were sent, where they might learn the native languages?—Yes, there was one in Bengal, which was a scene of the utmost anarchy and insubordination possible to be imagined.

1854. Do you not conceive that from the precautions usually taken by commanding officers of corps, and the advantages offered to the young officer joining them of learning the language of the regiment to which he belongs, he will sooner become sufficiently competent to do his duties as an officer in a native corps, than he would under any other circumstances?—I certainly do. An officer is never detached on service, nor has a separate command for two years after he enters the army ; and he certainly will acquire a knowledge of the language, and of the duties of his profession, sooner in a good regiment than anywhere else.

1855. Do the cadets at Addiscombe get any pay?—They get pocket-money allowed them.

1856. From the Company?—From the Company, out of what they pay, half-a-crown a week.

1857. That is the only pay they get?—Some of the under-officers, or corporals, as they are called, get double pocket-money ; cadets of the first class hold that situation by selection from merit, they get 5 s. a week.

1858. How many corporals among the cadets have you at Addiscombe?—When complete, I have 16 ; I regulate that by the number of rooms, and the number of dining tables and other circumstances.

1859. What number did you say you had at Addiscombe?—One hundred and fifty.

1860. Do you think a system could be adopted by which cadets could defray the expenses of the establishment?—Of course ; by their being merely required to pay the costs of their education, that is the only system I know of ; they now pay rather more than half of the actual cost, by what I understand.

1861. What is the amount which each pays?—Sixty-five pounds the first year, and 50 l. the next.

1862. You say the time of getting through his education is about two years ; is your examination equally strict with the examination that is pursued at Woolwich ?

—I should

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Colonel *Honstoun*,
C. B.

—I should think so; it is a public examination, conducted in the presence of many officers of His Majesty's artillery; the room is full of them and other distinguished visitors. The situation of public examiner was held by Sir Howard Douglas, and General Mudge before him; our study is about nine hours a day.

1863. Are you aware of the examination a cadet goes through at Woolwich before he is appointed?—I have been present at one examination; Colonel Pasley was the examiner.

1864. Is the examination equally strict at Addiscombe as at Woolwich?—Fully so; perhaps I could not appeal to a better person than Colonel Pasley, who has both services put under him; he could give his judgment on the qualifications of the two. The advantage Addiscombe has over other institutions is, that the cadets get their appointments to India as soon as they are qualified.

Lieut.-Colonel JAMES SALMOND called in and examined.

1865. HAVE you got the return of the existing pay and allowances of the natives? —No, the Auditor has not been able to send it me.

Lieut.-Colonel
J. Salmond.

1866. You say that the difficulty of reducing the Company's forces by native regiments constitutes the principal defect in their military arrangements; is that your opinion?—Yes.

1867. How would you propose to remedy it?—By pensioning off the officers in such a way as to satisfy the European officers. There is no difficulty with regard to the natives. They are either pensioned off or seconded on other regiments, and an equivalent number from other regiments are either pensioned off or absorbed by casualties. The only difficulty is in the disposal of the European officers that may be disbanded.

1868. Would not you think that that arrangement would be attended with great additional expenses?—I should think not, because you would get rid of all the expenses of the regiment. I presuppose you do not want the regiment.

1869. Would not that arrangement be attended with the advantage of inducing many old and inactive officers to retire from service earlier than they do at present? —I conceive it would, provided the reduced officers were allowed to exchange with officers of corresponding rank in other regiments.

1870. Would that be acceptable to the army in general, allowing them to exchange?—I should think there would be no difficulty, provided the one exchanging went to the same place as the officer retiring.

1871. A young man for an old man?—You must suppose that in similar ranks they are of a similar age.

1872. What is the freight of troops to India?—I cannot tell.

1873. The troops at Madras are clothed by contract?—They have been these last two years.

1874. Would you recommend they should also be clothed by contract at the other two presidencies?—I think it may be safely left to the decision of the officers who constitute the clothing boards at each presidency. If they find it advantageous at Madras, they will probably adopt it at Bombay and at Bengal.

1875. Do

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Lieut.-Colonel
J. S. de la Motte.

1875. Do you know the amount of the off-reckonings at each presidency?—I cannot answer off-hand. I could easily obtain the knowledge of any number of years you pleased: it is printed and published every year.

1876. You are not acquainted with the actual cost of the clothing of the soldiers at each presidency?—No, I am not. In the printed statement to which I refer, the cost of the clothing is I believe inserted; and the amount that remains surplus to be divided among the officers, and the number among whom it is divided, is also stated.

1877. Is there a difference between the cost of clothing at Madras, where it is done by contract, from that in Bengal and Bombay, where it is done through agency?—There is some trifling difference at each presidency, but at each presidency they endeavour to do it as cheap as they can, because it is superintended by those who divide the profits; they were all formerly, and within these three years, made up by agents at the three presidencies; but in consequence of some bad conduct, I believe, on the part of the agents, or some other cause, the Madras clothing board of general officers determined to try the contract system, and they found it both cheaper and more expeditious.

1878. How is the clothing inspected, either when furnished by agents or by contract, and by whom is it inspected?—I think, as well as I remember, there are committees of officers appointed to inspect the clothing before it is dispatched to corps; which committees are assembled by order of the Commander-in-chief.

1879. Do you consider the officers are capable of forming a judgment in clothing?—They must ultimately be the judges. It is re-inspected when it comes to each regiment, by regimental officers; but, before it is dispatched from the presidency, it is inspected by a committee of officers selected by the Commander-in-chief, and those resident there.

1880. Is it furnished in garments, or is the cloth sent and made up at head-quarters?—The cloth is sent from this country, and it is made up at the several presidencies, at Calcutta, Fort St. George, and Bombay, under the orders of their respective clothing boards, who have each an agent and secretary under them; or it is delivered to a contractor at certain fixed prices, he delivering the made up clothing back also at fixed prices.

1881. In point of fact, your materials are furnished by contract, that is to say, the cloth, which forms the bulk of the clothing, is furnished by contract in this country, and it is very well inspected before it is sent out, so that you have a thorough means of ascertaining the quality?—It is ordered in this country according to indents received from India by the buying committee.

1882. Do regiments make it up afresh when they get it to their head-quarters, fitted to the individual?—They only alter it by a regimental tailor, so as to suit the peculiar descriptions of the men for whom the clothing is sent. The coats are made up into three or four sizes, and fitted to the men as well as they can.

1883. Are you not aware that in the King's service the clothing, when it comes to a regiment, is in nine cases out of ten forced to be altered again, garment by garment; in fact, that it almost gives equal trouble in altering as it does in originally making?—I do not know that.

1884. Have

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Lieut.-Colonel
J. Salmon.

1884. Have you ever turned your attention to the expediency of the English soldier in the King's regiment being allowed to volunteer into the Company's service, when their regiments are ordered home or into the King's service?—Yes.

1885. Can you give to the Committee the result of your observations on that point?—I have not entered much into it, for until this last week or two, there was an officer at the India House whose express business it was to attend to that subject (Colonel Bryce, lately retired), the duties of whose department have been transferred to me; but I know it has been a question at what age it would be advisable to receive troops willing to volunteer, whose regiments were coming home. Some question also arose as to the title these men would have to pensions from the Company; and though I do not know the line of distinction that was drawn, I know a line was drawn of some kind, that they were only to be received at a certain age, and only to receive pensions from the Company if they continued to serve the Company a certain time. If they had served the King beyond a certain time, then they were supposed to be too old to make it advantageous to accept them as volunteer recruits.

1886. Do you not think some equitable adjustment could be effected between the Company and the British Government on the subject of pensions, which would allow the men to be retained in India at whatever age they happened to be, if they chose to do so, when the regiment is ordered home, if they were at all efficient for the service?—I think some arrangement of that kind has been effected.

1887. Are you aware of the amount of the draught of warrant and non-commissioned officers upon the Company's European regiments in India, for the commissariat, the stores, the staff regimental and garrison?—No, I cannot answer that question off-hand; but I will look at the official returns and bring them to the Committee.

1888. Are you of opinion that it would be a desirable object that the pay of the sepoy should rise, after a certain number of years' service, progressively, and to the final period of his services; for example, suppose you take three periods, 7, 14, and 21 years; do you think that would be a good arrangement?—I should think it would.

1889. But then you must begin with a less rate at first than he at present receives?—I do not think that would be advisable.

1890. Have you ever paid any consideration to that subject, and has it been under the attention of the India Board?—Yes. It has been recommended to the consideration of the Court by the Indian governments, but it has not hitherto been sanctioned. It was proposed to give them an additional rupee after a certain number of years' service, 15 years I think. It was recommended strongly by Lord Combermere, and favourably received by the Bengal government, but not acted on by the Court, from financial reasons.

1891. What great advantage is contemplated by the Government in India from it?—To attach them more to the service.

1892. Is there reason to suppose that the attachment of the sepoy to the English service is less strong now than it was formerly?—I do not think there is.

1893. In the last 13 or 14 years, have the sums paid in pensions to the native troops increased considerably?—Very considerably since the Burmese war, and the late reductions in the army.

1894. Do you pension for disabilities contracted in the service?—Yes.

1895. And for wounds?—Yes.

1896. And for certain periods of service, after their completion?—Yes; I do not know exactly the number of years at present fixed. I do not think in general much attention is paid to it; but if they have served a certain number of years, and are at all weak and inefficient, they are pensioned.

1897. Under what system are your discharges carried on?—In Bengal, with the particulars of which I am best acquainted, I think a man is never refused his discharge if he asks for it.

1898. Whether entitled to a pension or not?—If he is entitled to his pension he gets it, but he gets his discharge when he asks for it.

1899. You give him his pension, if you have granted him his discharge at his own request?—Not unless he is well entitled to it, either by the peculiarity of his service, or by being worn out. If he is invalided, he receives the pension as a matter of course, and he can get his discharge without a pension at any time.

1900. Your meaning is, that a man can get his discharge at any time, but that he does not get his pension unless he is certified to be disabled from further services by a medical board, or else he has passed an examination before general officers, or proper authorities, that he is worn out and unfit for further services?—Exactly.

1901. Do you know the number of pensioners?—No, but I could easily supply a return of them.

1902. Do you pension them according to their ranks; is there a higher pension for what we call non-commissioned officers?—There are commissioned officers as well as non-commissioned officers. They all receive pensions according to their ranks; a soldier so much, a non-commissioned officer so much, a commissioned officer so much, in proportion to their previous pay. It is generally estimated at about one half of their previous pay.

1903. What are the arrangements with regard to the provisions when they are incapable of further service, for the commissioned officers of the native army?—Just the same as the others. They are pensioned off, and allowed to draw their pensions at their own villages, or wherever they please; they reside where they please, and draw their pensions where they please. They generally choose to go back to their native villages.

1904. Did you ever make a calculation as to the average number of years service a native officer had served before he claimed his pension?—No, I never did.

1905. Do you ever do the same with the men?—No; according to my experience, they used to be men pretty well advanced in life for Indians; they must have served between 30 and 40 years.

1906. Did you ever make that calculation with regard to Europeans, as to the number of years with a man under ordinary circumstances?—They have always served for stipulated times, and generally at the expiration of that period renewed for five years, and again from five years to five years, till they are worn out and die in the country, or are invalided and sent home.

1907. Would you think 15 years a fair average service?—Yes.

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Lieut.-Colonel
J. Salmon

1908. Do you think any reduction could be effected in the numbers of the Bombay or Madras army?—No doubt there might be. The Bombay and Madras governments have said they have more troops than they have occasion for.

1909. What branch of troops?—I understand the infantry.

1910. What, native or European?—Native infantry; as I understood the Bombay government, they offered to garrison or occupy some portion of the Deccan, which was then occupied by the Madras troops. The Madras government were informed to that effect, but the Madras government said they did not wish to have their troops thrown back on them. In consequence, the Bombay government acquiesced in keeping those troops at home; from that I infer they did not want them, that they were supernumerary.

1911. Do you remember the name, of that part; was it not the southern Mahratta country?—Yes.

1912. What troops occupy it now?—Partly Bombay and partly Madras.

1913. Is there more than one battalion of Madras troops?—I do not know that there is.

1914. Do you know the general number of troops composing those two armies, the Madras and Bombay?—Yes, there are 50 battalions of native infantry at Madras, and 25 at Bombay.

1915. Give it in round numbers of each army separately?—I could calculate them; I could not answer immediately off hand. I believe there is a Return on the table. There is a Return very nearly completed, showing the numbers in each presidency for 40 years back; it will be ready to be presented in a day or two.

1916. The number of troops, by a Return given in to the Committee in 1830 and 1831, at Madras, was 61,150, and at Bombay, 33,874, that is 94,000 in round numbers altogether; do you think that number could be reduced to a considerable degree, and state by what means?—I conclude, by the correspondence that passed from the Madras to the Bombay governments, it might at one of those presidencies.

1917. Has any reduction of the numbers of men taken place since that correspondence?—I believe there has in the number of firelocks.

1918. Do you think that number of 94,000 could be further reduced at Madras and Bombay?—I think that if the Bombay troops occupied all the territory belonging to Bombay, and sent back the Madras troops, the Bombay troops would be fully employed; but there would be supernumeraries at Madras.

1919. There has been an idea entertained by several witnesses examined before the Committee of uniting the armies of all the presidencies under one Commander-in-chief; would not such a proceeding very materially diminish the number of staff officers?—I should think not; there must be a commanding officer of the forces in each of the minor presidencies, and he must have the same staff he has at present. I think they could not do without a commanding officer of the forces at each presidency.

1920. Surely the branch offices would not give rise to so much labour as an office which was itself the head office, and conducted the whole details of government?—I presume the officer commanding at Madras and Bombay must have a general and particular control over all officers and troops of his own establishment, because I conceive it would be impossible for a Commander-in-chief in Bengal to super-

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Lieut.-Colonel
J. Salmond.

intend the regimental concerns of every officer of every regiment in the Company's service.

1921. You are aware that is done at the head-quarters of the British army, in a great measure at the Horse Guards?—It might be done certainly; but I should think it would be a vast load for a Commander-in-chief to undertake. In India he has all the Ordnance department. This is a separate branch here.

1922. What is the establishment of engineers in India?—There are three battalions in Bengal, two at Madras, and two at Bombay, and there are 20 officers in each; that is 140 in all.

1923. Pray are the engineers in India in the charge of the barrack department?—They have been ordered to be put in the charge of it; and they are introduced into it gradually. Formerly they were not. Formerly it was discretionary with government to appoint any one they pleased to the barrack department, and the major part of the department was filled with officers of the line or artillery. When the Court of Directors increased the engineer establishment a few years ago, they directed they should be employed exclusively in the barrack department. By the barrack department, I mean the building and repair of the barracks, not what is commonly called barrack-masters in England.

1924. Have you many barrack establishments in India?—There are very numerous cantonments, and some barracks dependent on each cantonment. The arrangement contemplated is nearly carried into execution. It was this: that the whole country under each presidency should be divided into districts corresponding with the military divisions and commands; that one or more engineers should be appointed to each district, and those engineers should have the charge of all the barracks, military and civil buildings, roads and bridges, surveys, and every thing in that department within the circle of their respective divisions. That is now pretty nearly executed. At Madras it has been always the custom, and is now adopted at Bengal and at Bombay.

1925. Now, for how many men have you barrack accommodation, are you at all aware, in India?—The barracks, properly speaking, as they would be considered in this country, are constructed only for Europeans. The native Indians, both cavalry and infantry, hut themselves. By barracks, I understand cover for Europeans. There is a barrack for every regiment.

1926. You do not know for what numbers?—There is one barrack for each regiment. Sometimes there are barracks for two or three regiments at one station; but, generally speaking, there is seldom more than one European regiment at one station.

1927. Do you at all know the annual expense of the works and repairs of the barracks?—No, they have been very fluctuating; they have been very much complained of, and great endeavours made to reduce the expense of late years; but it has been almost impracticable hitherto to bring them within a certain amount, for the troops have frequently changed their positions, and new barracks have been built to accommodate them.

1928. Have you any average of the expense per man in barracks occupied and barracks unoccupied?—No, I never saw such a calculation. We have no separate barrack department in India. There is no barrackmaster-general.

1929. It

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J. Salmond.

1929. It is all under the Ordnance?—It is generally under the direction of what was the military board, so long as there was a military board, and partially under the quartermaster-general of the army.

1930. Has the military board been lately abolished?—At Bombay it has.

1931. But at Bengal?—At Bengal it has been modified.

1932. State the modification?—Originally, the military boards at all the presidencies consisted of the Commander-in-chief, adjutant-general, quartermaster-general, military auditor-general, commandant of artillery, and the chief engineer. Of late years the Bombay military board has been done away with altogether, and each officer is made responsible for his own department. How that will operate we have not yet had an opportunity of seeing. In Bengal, Lord William Bentinck has made special appointments to the military board, and left out some of the great staff officers that used to form that board. He has left out the adjutant-general and quartermaster-general of the army, and in their place he has appointed two officers by selection, who are paid.

1933. Who have no other duties but that military board?—No.

1934. So that you have now an efficient military board, which has no other duties to attend to but its own?—That is, two or three of the working members, as they are called, and who are paid, have nothing else to attend to.

1935. Do you not consider that a very advantageous modification, as it prevents the secretary from performing the whole of the business himself, which it was generally understood he did?—I believe it may be attended with good results; yet I never heard any complaints of the board at Madras, where the old establishment continues, nor have I reason to suppose it is inefficient there; but then the Madras is not so large as the Bengal establishment.

1936. Do you not think that officers who have no other immediate military duties to perform would perhaps constitute a much safer and better check on the expenditure of the army than the adjutant-general or quartermaster and other officers, who would probably be too much inclined to look to efficiency rather than economy?—I think they would. The military auditor-general is expected to look to economy.

Sabbati, 7^o die Aprilis, 1832.

The Right Hon. Sir JOHN BYNG in the Chair.

Colonel DAVID LEIGHTON, C. B., called in and examined.

1937. How long have you been in the East-India Company's service?—Nearly 36 years.

1938. Under what presidency did you serve?—Bombay.

1939. Have your services been confined to the presidency of Bombay?—Entirely.

1940. In what branch of the profession?—The infantry.

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Colonel
David Leighton,
C. B.

1941. How

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Colonel
David Leighton,
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1941. How long is it since you left India?—Just 13 months.

1942. What military situations have you held?—I have commanded a regiment, I have commanded a brigade, I have commanded a division of the army, and I have been adjutant-general for nine years.

1943. Be good enough to state to the Committee your opinion of the discipline, efficiency, and spirit of the native branch of the Indian army?—I consider that the discipline of the Bombay troops is in a very good state; they are very serviceable, in my opinion; there is a very good spirit in them, a very soldier-like spirit; their equipments are deficient, in my opinion.

1944. In what respect do you consider the equipments deficient?—I should think that a certain proportion of bullocks for the artillery ought to be kept up constantly for them and the store department, and not be left to depend upon hired cattle upon occasions of emergency.

1945. The foot artillery is entirely drawn by bullocks, is it not?—It is. I think the native regiments ought to have a greater number of officers; I think that every native regiment ought to have one lieutenant-colonel, two majors, a captain and a lieutenant, to each company, and two for the regimental staff appointments of adjutant and quartermaster; also four ensigns, as at present. I think that the pay and allowances of an ensign are not sufficient, and that he cannot keep out of debt in an European regiment; he receives 155 rupees a month in garrison, and I think he cannot live for less than 200 rupees a month. There are at least 10, perhaps 15 officers, of 28 years standing, of the rank of captain, on the Bombay establishment, and between 40 and 50 of upwards of 22 years standing.

1946. Are there any other articles in the equipment in which you would recommend an alteration or an addition?—Many of the muskets which are sent out from England are extremely bad, and so are many of the pouches and the belts; they will not last more than one-third or one-half of the time that they ought to do. I think that the saddles of the cavalry ought to be sent from Europe.

1947. From whence are the arms supplied?—From England; they are sent out by the East-India Company.

1948. From whence are the accoutrements supplied?—From England. Indents are made out by the military board at Bombay for all descriptions of stores required annually, and forwarded to the Court of Directors in England.

1949. Are the accoutrements purchased by the colonel of the regiment or by the East-India Company?—Nothing whatever is purchased by the colonel of the regiment; every thing by the East-India Company.

1950. Would you think it advisable that all the military stores of every description of one presidency should be assimilated to those of the others?—There is not much difference, as far as my experience goes; models of gun-carriages, store-carts, &c. were forwarded from Bombay to Calcutta a few years ago, with a view to assimilation; brass cannon are cast at Calcutta for the use of the artillery at the different presidencies.

1951. What is your opinion of forming the Company's army into a Royal army?—That is a question which requires a good deal of consideration; but if the civil government is to remain in the hands of the Company, I should say that they should have also the army.

1952. What

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David Leighton
C. B.

1952. What is your opinion of the armies of the three presidencies being under the orders of the Commander-in-chief of India, with a commander at each presidency under him?—I think that would be rather an improvement than otherwise, when armies on a large scale are to take the field against an European or powerful enemy; but so far as concerns the internal peace of the country, perhaps it is as well that the three armies should remain as they are.

1953. Is it your opinion that any practical reduction can be made in the officers on the staff?—Not on the Bombay establishment; the number of stations have been increased of late years, and that accounts for the increased number of staff-officers.

1954. During the period of your holding command in that service, have you always found the sepoys well attached to the Government, while attention has been paid to their religious and national feelings?—Yes; I never, in the course of my service, knew any dissatisfaction amongst the Bombay sepoys which was worth speaking of; what occurred was from their being over-worked in carrying stores and provisions up ghauts (mountains), or such work, or about prize-money, or too great severity on the part of inexperienced commanding officers or adjutants; but it never amounted to anything of consequence; and I only remember four regiments at different periods complaining, and their complaints were settled by the senior officer in command. I think that every thing depends on the attachment the sepoys have to the European officers.

1955. Attention to their wants and to their feelings is sure to create their attachment?—Yes, it is; a vast deal depends on little minute details, and attention to their prejudices, and a knowledge of their language.

1956. Are the natives partial to the service in general?—I think of late years they have a little fallen off; I think, perhaps, 20 or 30 years ago they had more attachment to the service than they have now.

1957. Are there any arrangements which you could recommend, which you think would augment the partiality of the natives to the service?—Yes; I think it would have a very good effect to have a few more senior European officers than there are; a native battalion or regiment never ought to be commanded by any one under the rank of a field-officer; and there ought to be always several captains present: instead of which, I have known a battalion under the command of a subaltern of two or three years standing, which gave great dissatisfaction to the natives, and many instances of regiments being commanded for a long time by lieutenants and junior captains.

1958. That was commanded by an European subaltern, while there were senior native officers present?—Yes; a boy of 16 years of age and commissioned, will command any of them. I think it would be better for the service and for themselves were cadets not sent to India before the age of 18.

1959. Are you prepared to recommend any higher rank to native officers than at present?—No; there was a rank established by Lord Hastings of soubahdar-major, which I think is the highest regimental rank that they ought to hold.

1960. Are there any distinctions or rewards you would recommend to native officers by way of encouragement?—Yes; they have sometimes had medals given to them for particular services in the field, and likewise horses and palanquins, with an allowance

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allowance to keep them ; also grants of land depending upon circumstances, according to the particular service they have performed, which I think highly proper. A regulation has been established at Bombay within the last few years, giving the command of hill forts to old native officers of long standing, which I think a very great encouragement to them, and the expense is very trifling. I beg leave to mention, that a regulation was promulgated in Bengal a few years ago, and followed at the other presidencies, declaring that, unless the sepoy could read and write, and keep accounts, they would not have any claim to the rank of a non-commissioned officer, unless in some particular instances of bravery in the field : of this I highly disapprove. At Bombay the regulation is only to apply to men enlisted subsequent to 1830 ; and I know not what effect it may produce upon recruiting for the army.

1961. Has that order been acted upon ?—It had not been acted upon when I left Bombay, at least not to my knowledge.

1962. Do the sons of native officers frequently now enlist into the service ?—Yes, they have always enlisted into the service ; but a regulation was published at Bombay within the last two or three years, to free them from corporal punishment ; they were not to come under exactly the same laws as the other sepoy.

1963. Do you approve of that regulation ?—I do not think it is likely to do any harm ; it must be gratifying to the feelings of those young men and of their fathers.

1964. They got a small addition of pay also, did they not ?—Yes ; they did.

1965. Are the European officers attached to native corps always prepared with sufficient equipage to take the field on a sudden emergency ?—They are always so. I consider the allowance given monthly, for keeping up camp equipage, a better plan than to supply officers with tents from the stores, or to grant money to purchase them, when ordered to take the field, as formerly.

1966. If there should be a sudden necessity for augmenting the Bombay army in India, say 5,000 men, could it be done in a short period of time ?—Certainly ; 5,000 men could be raised for the Bombay army in six or ten months ; but I beg to remark, that formerly on the Bengal establishment, as I understood, the regiments were not only kept complete with recruits, but there were young men following the regiments ready to fill up any vacancies which might occur. But of late years the Bengal government objected to the Bombay officers recruiting within their provinces ; there was an official letter sent to Bombay when I was adjutant-general, in which it was stated that they could not keep their own army complete, and therefore they would not allow of recruiting for the Bombay army within the Bengal provinces.

1967. Has the Bombay army received many recruits from the Bengal provinces ?—Not of late years. In 1825, a number of what are called Hindostanee men were enlisted in the army, but they came from Central India chiefly, not from the Company's provinces ; they are not, I believe, so able-bodied men as those enlisted for the Bengal regiments ; and as their families are not in the British provinces, I cannot say whether they will have much attachment to the service.

1968. For what particular purpose do you consider the Bombay troops best adapted, for infantry, cavalry, or artillery ?—For infantry, I should say.

1969. Are

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David Leighton,
C. B.

1969. Are they in general good horsemen?—The Bombay regiments of cavalry get their recruits from Central India or the province of Oude; they are the same description of men as those in the Bengal native cavalry; they are Hindoos chiefly.

1970. Are they of sufficient strength and stamina for artillerymen?—Yes, we have a regiment of golondauze at Bombay; they were picked men, volunteers from the infantry originally; they were formed in 1826.

1971. Do you consider them good artillerymen?—Yes, very good; and they save the Europeans from being detached in small bodies; they stand the climate much better, and save a great number of lives of Europeans.

1972. Would it be, in your opinion, advisable that there should be an addition of pay given to the native troops after a certain period of service?—That would be a very excellent regulation, if the finances of the Government would admit of it.

1973. Would it be possible, to enable the East-India Company to carry it into effect, to give them less pay on their first enlistment?—They cannot do with less pay; I have made every inquiry into their expenses, and also into the expenses of lieutenants and ensigns.

1974. With respect to the horses you get for the Bombay army, are they of a good description?—Of late years they have not been of sufficient bone; they have been too small for Europeans. When the 17th dragoons went out to Bombay they were as well, if not better mounted, I believe, than they had been in England; I have heard some of their officers say so, but the description of horse which they got is not to be met with now in large numbers.

1975. The horses are supplied by contract, are they not?—Generally; a regulation was published in 1830, permitting regimental commanding officers to purchase horses for their regiments.

1976. Have you any idea of the expense of a horse by the time he is delivered over to a regiment?—There is a fixed price for native cavalry; I think it is 450 rupees, and for European cavalry and horse artillery, 575, or not more than 600 at the utmost.

1977. They are supplied by contract?—The commissary sometimes contracts for them.

1978. What is the average number of years' service of a horse purchased?—If they are not of sufficient size and bone, they will not serve above five or six years; while others, called the Kattywar horse, will last much longer; some few horses which have served upwards of 15 years have been pointed out to me in the horse artillery.

1979. Is it impossible to provide the whole artillery with that description of horse?—It is, at the price allowed; the inhabitants of Kattywar do not breed that description of horse now in large numbers for sale; but the Bombay government of late years have sent English and other horses of large bone into that and other provinces, for the purpose of improving the breed of horses.

1980. What is the average service of a native soldier?—They are considered as entitled to pension as worn out after 30 years, on the Bombay establishment, but the average may not be above 20.

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1981. The army in Bombay has been generally very healthy, has it not?—Every where but in the province of Guzerat, which is the most unhealthy country where Bombay troops are employed.

1982. Are there of necessity many detachments in that part of the country?—Yes, a good many; about the period of collecting the revenue there are always detachments of native troops sent out, and that is generally the case throughout the Bombay territories.

1983. Had you the European troops under your orders?—Yes; I have had a regiment under my orders, and frequently small detachments.

1984. What is the average number of deaths in an European regiment, as compared with that of the native regiments?—It exceeds that of the native regiments very much. The casualties in a native regiment are very few, except in the province of Guzerat: and the casualties in an European regiment are not less than 50, and frequently 100, out of 900 or 1,000 men annually. The 17th dragoons, when stationed at Kaira, lost a very large number of officers and men; that station was abolished as a station for European troops, in 1827; the whole of the European troops, with the exception of one company or half a company of artillerymen, have been withdrawn from the province, or southern parts of Guzerat, on account of the unhealthiness of it. An European regiment has since been stationed at Deesa, on the northern frontier of Guzerat, where the climate is reckoned good.

1985. Are there a number of recruit boys to each native regiment?—There are 30 to each native regiment.

1986. Do you consider that a good establishment?—Yes, I do.

1987. Do you consider forming the two European regiments of the Bombay establishment into two wings of one corps a good arrangement?—No; quite the reverse. A better plan could not have been fallen upon to create dissension among the European officers.

1988. In what respect?—They are living in the same barracks, dining at the same mess-table, and those that were senior on the old system will be frequently superseded by others doing duty in the same barracks with them, which can never be pleasing in a service in which officers rise by seniority.

1989. Do you think that it would be beneficial to have the establishments and followers of the different armies of the three presidencies placed upon a footing that would render them more equal on occasions of their meeting on general service?—I conceive that they ought to be all under similar regulations.

1990. Is it within your recollection what number of years the junior major-general upon the Bombay establishment has served?—He must be about 70 years of age; he went out in 1784, and was then upwards of 20 years of age, as I have been informed. I conceive that something ought to be done in regard to advancing the promotion to all ranks. By the calculations made at the time when the regulations of 1796 were established, it was expected that every officer should attain the rank of captain in 13 years, and that of major, I think, in 20; but now there are many of the captains who will not attain that rank for much longer.

1991. What is your opinion of the operation of the regulation which promotes all officers to the rank of colonel in His Majesty's service, on the promotion of any one lieutenant-colonel of the Company's army, in any branch of the service, who
may

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may chance to supersede several of the Company's officers in another branch?—The rank of officers so superseded ought to be equalized with the King's officers; but according to the wording of the order lately sent out to India, that cannot be done. A lieutenant-colonel of the Bombay cavalry got rapid promotion by the death of a colonel; the King's officers, in consequence of his attaining that rank quickly, had a right to be promoted to the same rank of colonel, while others of the Company's service, senior to the King's officers, would be superseded by them; but that might be easily obviated by giving temporary brevet rank to the Company's officers so superseded, to equalize the whole.

1992. In the present situation of the army, do you see any prospect of an officer attaining the rank of major-general when he is fit for service?—None whatever; the prospect is beyond the probable duration of life. I do not suppose there was ever such a thing known as an army of 250,000 men without a general officer fit for field-service from age, which will soon be the case.

1993. What is your opinion of the artillery branch of the service at Bombay?—I think it is very efficient in both European and native branches.

1994. What is your opinion of the cavalry branch of the service at Bombay?—I am no great judge of the cavalry branch of the service; they are very smart on parade; a native soldier rides much lighter than an European.

1995. Is there any other alteration or addition you would recommend to be adopted to improve the efficiency of the army?—None occurs to me at present.

Major-General Sir CHARLES DALBIAC called in and examined.

1996. You have served in India, have you not?—Nearly three years under the presidency of Bombay. I had the command of the northern districts of Guzerat.

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1997. You had a great deal of native cavalry under your care, had you not?—I was inspector of the Bombay cavalry and horse artillery, and had for some weeks two of the three regiments of native cavalry under my immediate command for drill in brigade with the 4th dragoons. I also inspected the 3d regiment and all the horse artillery.

1998. Having had the native cavalry under your care for drill, what is your opinion respecting their efficiency as cavalry in the field?—My opinion of them is exceedingly good; certainly not to be compared with a King's regiment; inferior in point of physical force; not so substantially mounted, and certainly not so well appointed, because they are appointed under different regulations.

1999. Have the goodness to state any deficiency of appointments which you particularly noticed?—I particularly noticed the whole; I should imagine they were provided by contract, and from my knowledge of cavalry equipment, I should say, that under proper management by inspectors in this country, and employing proper people, a better description of saddlery generally might be obtained; probably also (but that may be mere matter of opinion) there might be some improvement in the mode of the equipment, but certainly in the quality. The sabres are also of an inferior description.

2000. Have you ever inspected a regiment of cavalry after a march?—Not much after long marches.

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2001. You cannot speak to the number of sore backs?—No; but a reply to that question would require a good deal of consideration; they are very light men; I should put the weight of a King's cavalry soldier personally (taking my own regiment) at between eleven and twelve stone each man; I do not think that I should rate a native cavalry soldier at much above nine; that makes a great difference.

2002. Are the equipments and accoutrements proportionably lighter?—The native cavalry are lighter in their accoutrements and in their personal equipment.

2003. What do you consider the average weight of a King's trooper on a march, that a horse carries?—Two hundred and fifty pounds, between 17 and 18 stone.

2004. At what do you consider a native cavalryman on his horse?—Certainly from three to four stone less.

2005. Are the natives expert horsemen?—I had no reason at all to find fault with them as horsemen; I should not say that they rode like the British cavalry in Bombay. I do not know whether it is now continued, but when I went out to Bombay I took a very considerable proportion of non-commissioned officers who had gone through the riding-school instruction, as assistants at the riding-school; and under Lieut.-General Sir Charles Colville's command there was a riding establishment for the instruction of the native cavalry, conducted at the headquarters of the 4th dragoons, (which regiment I commanded,) and which is one reason which led considerably to the improvement of the riding of the native cavalry; and I should say, though not so expert as the British cavalry, that they were very good horsemen. During the three weeks I had the command of two regiments in brigade with the 4th dragoons, I found the native cavalry acquire their field exercises and duties with considerable quickness, both as referring to the native officers and to European officers as well as the troops.

2006. Did the native troops look equally well after their horses with British soldiers?—I should say, their system of grooming their horses was not carried to so high a pitch; but our horses were under cover at the time, and theirs were not.

2007. Do you think that depends upon their horses being under cover or not?—I can venture to give a decided opinion upon that point. I do not think it is of any *great* consequence the horses being under cover, and I will mention why I give that opinion: at Kaira, where I commanded, there was an admirable barrack for the King's regiment of cavalry, and they were all under cover. In the same cantonment (at least I may call it the same cantonment, on the opposite side of the river) was a troop of horse artillery, and their horses were not under cover, and I do not think that either in the appearance or in the condition there was anything particularly to induce me to recommend horses being placed under cover, except when it can be done with convenience. I consider it of more consequence to the men (Europeans), as preserving them from the sun during their stable duties.

2008. Were the corps you had in brigade with you newly raised, or old regiments of cavalry?—They had been raised, if my memory serves me, two of the regiments about four or five years, and one of the regiments about three or four years; but I considered them perfectly formed.

2009. Is the description of horses good which is obtained in the Bombay presidency for the artillery and cavalry?—My opinion is, that the Bombay cavalry and horse artillery *ought* to be decidedly the best mounted of any in India. My reasons

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reasons are these : that Bombay is peculiarly well placed for the mounting of troops ; it is contiguous to the Gulf of Persia, and close to the province of Kattywar. I conceive, from my observation, when I took up the horses of the 17th dragoons in the year 1822, and judging from the description and appearance of many old horses that were then 16, 17, and 18 years old, that some eight or nine years before that period the 17th dragoons was perhaps the best mounted regiment in the world : they had been mounted upon two descriptions of horses, partly from the province of Kattywar, which I found to be a most admirable horse, purchased previous to the famine of 1813 or 1814, when that breed was very much broken up, by reason of the general want of grass and forage in that province ; subsequent to that the Kattywar horses were not to be had in such numbers, or of such good quality. The 17th dragoons had also been partly mounted on the Persian horse, not the Arab. The indifferent Persian is a sad brute, but the good Persian I hold to be as desirable a horse for the horse artillery and the cavalry as any in the world, and they were bought by two men, whom I did not know personally, but I know by character from their initials branded upon the horses which they bought for the service in Bombay ; their names were Rome and Lindsay, and must have been men of extraordinary good judgment with regard to horses, for they purchased them of the very best description, the former officer at the presidency, the latter in Persia ; and I conceive that if the same means were taken to send equal judges to Persia, that the same horse might still be obtained, supposing the breed not to have been deteriorated, which I do not know that it has. The King's regiment of cavalry and the horse artillery receive no Arabs, by reason of their small size, but the Arab is an excellent horse for the native cavalry, and as I said before, ought to be produced in Bombay of the best description. So that there is the Kattywar horse and the Persian horse for the King's regiment and horse artillery, and the Arab horse for the native cavalry. The Bombay mounted troops ought to be the best mounted in India. Upon this very important subject I wish to add, that the Arab horses sent from the Gulf for the native cavalry, were not uniformly purchased of a desirable description : very many were purchased at seven years old and upwards, of a stumpy, inactive sort, wholly unfit for cavalry purposes, and after they had *done some work*. Horses at four years old, or even a few months younger, are of the best age for cavalry regiments, and it is presumed that if purchased as raw colts at that age, they may be procured of a much better caste, and at as low a price as horses of an inferior caste at six or seven years old.

2010. Have the King's cavalry any preference of the horses when they arrive?—The manner in which the horses are selected in India is by a committee ; I have no doubt the committee when they are appointed do their best, and that they select horses according to the best of their judgment ; but I need not mention to this Committee that we do not all judge of horses alike ; and I should say that one such man as Lindsay or Rome to select horses in the original purchase, was worth more than any committee which could be appointed after the arrival of horses in Bombay. The horses for the King's regiment are also selected and approved by the committee, but there is a very little interference between the two services, for the King's regiment received no Arab horses, whilst the native cavalry are almost exclusively mounted upon horses of that breed.

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2011. Can you inform the Committee what is the expense of horses when delivered over for the service in Bombay?—It has varied, I believe, from 350 rupees to 550. I believe upon some few occasions to 650; but I should say, taking the general average, from 450 to 500 rupees.

2012. What is the general average of time that a horse in India will last in the service?—According to his shape and make; a bad horse will last a very few years; a well-shaped horse (of which there were many proofs in the horses of the 17th dragoons, of which I took possession) will last from 12 to 15 years and upwards. If Persian horses, of the quality to which I allude, could be obtained at any fair price, they would amply repay the pains taken to procure them; they are far more tractable, better shaped, and I think better calculated to stand work, than the generality of horses *now* to be procured from Kattywar.

2013. What is your opinion of the best mode of mounting the cavalry in India?—The Kattywar horses probably by contract; but horses from the Gulf should be procured by persons sent to purchase them in Persia and in Arabia.

2014. Do you think, in corps stationed near the market of Bombay, or in provinces contiguous to the breeding countries, that having a fixed liberal price, and allowing the commandants to receive horses from the dealers with prompt payment at that price, is not a system calculated to mount regiments efficiently, as it gives more money to the horse breeder, and as the market is sure to come to the demand?—I am decidedly of opinion any arrangement of that kind must be most advantageous, but whether it would be able entirely to meet the demand is a matter of great doubt; and I must observe upon this point, that there are three or four great horse-dealers in Kattywar, whose influence throughout the province is so complete amongst the small or inferior breeders of horses, that the latter are in a great measure deterred from bringing *individually* their horses into the market.

2015. Can you give an average of the number of years a dragoon horse will last in India?—I think any answer on that point would be exceedingly vague, when horses are not well chosen; the part of a horse which I am most particular about, is in India apt to be weak, which is the fore legs.

2016. Have you made any estimate of the number of casualties in respect of the men in a King's regiment of cavalry, as compared with a native regiment of cavalry?—I unfortunately commanded in the most unhealthy district perhaps in India, which was at Kaira in Guzerat; and in less than three years that I commanded at Kaira, I buried nearly half the King's regiment and 12 officers. The loss in the 4th dragoons, while I was at Kaira, was exactly at the rate of 16 per cent. per annum; the men and the officers together as nearly as possible in the same proportion; they were subsequently removed from a most unhealthy district to the most healthy, which was Poonah; and they have not lost a single officer in seven years, except one surgeon; and, instead of having, when they moved from Kaira, little more than 100 men effective to march with 600 horses, they had on the 31st of June last year only 55 men invalids out of 673 present, and not a single officer upon the sick list. At the time that the 4th dragoons were losing at the rate of 16 per cent. per annum in Kaira, the 47th British regiment at Poonah lost only two per annum out of every 104 men, which was less than two per cent. I cannot speak to the average deaths in a regiment of native cavalry; but I conceive
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deaths to be very slight, except where there may be visitations of cholera; we lost very few Europeans by cholera while I was at Kaira.

2017. Did the situation of Kaira affect the natives in any degree?—It did not materially affect the native troops; but during the unhealthy season at Kaira (there was an unhealthy season, from intense heat, preceding the monsoon, and then an unhealthy season from flood after the monsoon, which was owing to Guzerat being a low, rich, flat country, where there was a great deal of superabundant vegetation to get rid of, and a good deal of surface water to be absorbed) the natives were unhealthy in a greater proportion than usual, but not in the same proportion as the European troops.

2018. Are the native troops in general temperate?—They are generally temperate; but I think that habits of intoxication increased upon them during the period I was in India; that they were getting more addicted to spirituous liquors.

2019. They are more temperate than Europeans?—Unquestionably.

2020. Do they take a considerable quantity of opium?—Some of them do, but I speak of spirituous liquors; I speak with great authority upon that subject, from looking to the courts-martial which occurred in India on the native as well as the British officers.

2021. Has opium the same effect of occasioning want of discipline?—I cannot speak to that.

2022. What is the least proportion you would recommend of native cavalry, mixed with European cavalry, for service in the field?—I am at a loss to answer that question; so much must depend upon the service, and the object which is in view.

2023. Are the hospitals in India well attended to?—That embraces a subject which has occupied a good deal of my consideration. I had opportunities of seeing a great deal of the hospitals in India, and I should say, indeed, it would be great injustice to the medical department of India altogether, at least of Bombay, of which I speak, if I did not say that the medical department was exceedingly well conducted, and that all the medical officers, not only those attached to the King's service, but the superior officers, and the officers of middling rank in the medical department generally, were men of excellent education and service, and that every thing was conducted upon an admirable footing; that they were always looking out for improvement, and that every thing was conducted remarkably well. Upon that subject I should like to say a few words more; I do it with a view to the service at large, and to what I conceive to be the good of our Indian establishment. The medical officers in Bombay were under a considerable alarm at the time I left it, and I believe that alarm has not been quite allayed since I came away, by reason of several alterations made in their allowances. At a former period (some 15 or 16 years ago), the allowances to surgeons of regiments in India were very great; they had to find all the materials of the hospital. That arrangement was the first alteration that took place, and if I were to give my opinion, I should say, with advantage; it certainly was not altered with a view to economy to the East-India Company, because I believe the expense was increased; I should say that alteration, though it took a great deal from the pockets of the surgeons, particularly those in charge of European corps, was to the advantage of the service at large. But what I wish

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I wish to speak of, as having created alarm amongst the medical officers, is, the deductions from and clippings of allowances at subsequent periods. Having stated that I consider the medical department in the year 1824 (when I left India) to have been exceedingly well conducted, I am apprehensive that if the medical officers in India should entertain anything like mistrust as to the pay and allowances which have hitherto been granted to them, the same description of men may not be induced to go out to India, who have been induced to go out for the last 12 or 14 years, and who have brought the medical department to the very highly creditable state which it now enjoys; and I need not say, that the introduction to India of medical officers of inferior education would lead to consequences highly prejudicial to the service at large, and at times materially affect the efficiency of the Indian army. Upon this highly important subject I may add, that no officer in any military service can possibly be exposed to the same continued fatigue and risk, as frequently falls to the medical officer who has charge of an European corps in India; and I believe it will be found that medical officers die in India in the proportion of at least two to one, perhaps I shall be nearer the mark if I say in the proportion of three to one, as compared with officers of any other rank or calling. In less than 10 years, the 4th dragoons (King's) have buried three full surgeons in India, besides another surgeon, who having had charge of the regiment for a time, came home with impaired health, and died in England. Altogether, I can scarcely contemplate a point of more importance to the welfare and efficiency of the Indian army, than that of affording due encouragement and remuneration to, and of keeping perfect faith with, the medical officers of all ranks employed in that country.

2024. Do you consider the natives in general attached to the service?—Every thing which I saw induced me to believe they were perfectly so.

2025. Do you consider the military service popular with the natives of India?—Certainly.

2026. Do you consider that the pay and allowances of the Company's officers are sufficient for them to live the same as in other quarters of the world?—My belief is, that the pay of the ensign and lieutenant in the Company's service is the very smallest upon which an officer can possibly maintain himself.

2027. With respect to the expense of shoeing the cavalry, in what manner is that performed; is it by contract?—The shoeing is the same as in the King's regiments in this country; by allowance to the troop farriers; and the farrier works or employs work people, partly one and partly the other. In some parts of India the hind shoes are not put on during the rainy season; in Guzerat, where I commanded, we had no shoes during the rainy season, which was for the benefit of the horse, because it allowed the foot to expand and to recover its natural shape during three months of the year.

2028. During that period is the same allowance continued?—It is continued; at this period the whole of the store shoes are put in order, and completed in the event of a march; and the expense at other times is often very much beyond the allowance.

2029. Are the cavalry equally well shod in India as at home?—There is no reason why they should not, at all seasons when required to be shod.

2030. Are

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2030. Are they shod in the same manner as the King's cavalry regiments?—It is a different sort of shoe; it is beat out of cold iron, without fire.

2031. Do you consider that equally effective for the horse?—More so; the shoe is harder, the trouble also is greater; and this work is executed by natives only.

2032. You stated that the British cavalry horses are in better condition than the native; do the privates in His Majesty's cavalry dress their own horses, and is the system adopted in respect to the treatment of horses different in the two services?—In Bombay, the King's troops clean and take care of their horses the same as they do in England, because they have only one horse-keeper to every three horses; whereas in Bengal they have one horse-keeper for every horse.

2033. Is the reason for that difference in the establishment on account of the warmth of the climate in Bengal?—I conceive it is in consequence of an entirely different arrangement; certainly not on account of the warmth of climate, because the thermometer for seven months at Kaira, I believe, is considerably higher than in almost any part of Bengal.

2034. Does the rainy season prejudicially affect horses while not under cover?—I should say generally not; the Kattywar horse is subject to a peculiar disease, called the bisottee, which precedes or accompanies the period of the monsoon; but I never saw many other horses attacked. The disease breaks out in large greasy spots over different parts of the head, body and limbs.

2035. What is the size of the Kattywar horses?—The average of the Kattywar horses of the 4th dragoons was 14 hands three inches and a half.

2036. Do you happen to be acquainted with the system of breeding in the province of Kattywar?—I have been in the province; the system is, endeavouring to breed from the best mares: they are very particular in their stallions: there are persons who devote considerable time and property to the breeding of horses; they are exceedingly particular about their mares.

2037. How is the size of the Persian horse as compared with the Kattywar?—Rather less; on the average about 14 hands three inches, of the best description. The Arab horse is from about 14 hands one inch to 14 hands two inches.

2038. Are the Kattywar horses very tractable?—No, very apt to be unruly; the Arab very docile and good-tempered; the better Persian much the same.

2039. Do you conceive that Mr. Rome and Mr. Lindsay had particular facilities for procuring horses in Persia?—I conceive their facilities in purchasing good horses rested upon their own good judgment. There are some particular circumstances with regard to the diseases of horses in India. I scarcely ever saw a contracted heel in the horses of the 4th dragoons: I rarely knew a horse go broken-winded; blindness was very rare, except with the worm in the eye, which is a peculiar disease; the worm forms in the eye and gets alive; a sort of bag of water collects, and when that is punctured with judgment, the worm comes out, and the chances are then very much in favour of the eye recovering its sight; but if the worm does not come out with the rush of water, it is impossible to get it afterwards; inflammation then ensues, and the eye is almost sure to be lost. There is another circumstance that peculiarly struck me with regard to diseases of horses in India. I am convinced the glanders are nothing like so contagious as in this country: my reason is this, that if you go to the dealer's stables in Bombay, generally called the bomb-proof stables,

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you may see there from 100 to 150 horses, and the chances are that some one, two, four, or perhaps half-a-dozen of these horses are labouring under the glanders. Moreover, when I inspected the 3d light cavalry at Poonah in 1823, I discovered six horses of the regiment in the most virulent stage of glanders, so bad that I am convinced in a European regiment in this country they would have infected the whole regiment. I have seen horses come up to join a regiment, 20 or 30 at a time, and before they arrived at it some two or three would put on the appearance of glanders; in their way up the same nose-bags were common to all, and yet the infection has spread in a very slight degree in comparison to that which might be expected, or to what would inevitably have been the case in this country.

2040. To what do you attribute the circumstance that contracted feet are less common in India than in England?—To many circumstances: one is, that during part of the year, especially in sandy districts, or when not actively employed, you may dispense with the shoe altogether during the monsoon; the natural state and shape of the foot then recovers itself: another is, that there are very few hard roads.

2041. Are you much subject to corns in horses' feet in India?—Very little, because I conceive corns are produced by improper shoeing, and the state of the foot arising therefrom.

Luncæ, 9^o die Aprilis, 1832.

The Right Hon. SIR JOHN BYNG in the Chair.

JAMES COSMO MELVILL, Esq. called in and examined.

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James C. Melvill,
Esq.

2042. WHAT is your situation?—I am Auditor to the East-India Company.

2043. Will you have the goodness to state the expense of the Indian army in 1814?—£.8,026,666. This is the gross charge, exclusive of sums expended in England on account of the Indian army, which upon an average, since 1814, may be computed at 1,000,000 *l.* sterling a year.

2044. That will make the total expense somewhere about 9,000,000 *l.*?—Yes, it will.

2045. Will you have the goodness to give, in round numbers, the cost of the armies at each presidency, always excluding the sum paid for pensions in England?—£.3,500,000, Bengal; 3,200,000 *l.*, Madras; 1,300,000 *l.*, Bombay; besides this the military force at St. Helena cost 66,000 *l.*

2046. Can you at all inform the Committee what the gross numbers were in those years?—In 1814 they appear to have been 193,056 men, viz. 84,106 Bengal; 77,274, Madras; 31,676, Bombay.

2047. Was that a perfect time of peace in India?—Not in 1814; the Nepaul war then prevailed.

2048. Were

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*James C. Melvill,
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2048. Were the preparations for the Nepaul war then just commencing?—Yes, just commencing.

2049. Should you say that establishment was a fair peace establishment for India?—I should say that the year 1813 would furnish a better datum for a peace establishment than 1814, in consequence of the preparation for the Nepaul war in the latter period.

2050. When was the Nepaul war concluded?—The treaty of peace was, I think, in 1815.

2051. Will you have the goodness to state the expenditure of the army in the year 1815?—£.9,200,000.

2052. Exclusive always of the home payments and St. Helena?—I include St. Helena, but it is exclusive of the home payments.

2053. Are you at all aware of the number of that period?—207,867 for the three presidencies.

2054. Was not the year 1819 at the period of the conclusion of the Pindaree war?—The war had terminated, but a great part of the war expenditure was brought to account so late as 1820–21. There was a great reduction in the military expense in 1821–22 and 1822–23, which were years of peace.

2055. What was the expenditure of the army in 1821?—£.9,350,000 in 1821, and 9,000,000 *l.* in 1822, exclusive of home payments.

2056. In 1821 India was in a state of profound peace, the Pindaree war being concluded?—Yes.

2057. In 1825 will you have the goodness to state the expense of the Indian army?—£.13,700,000.

2058. Do you know the number in that year?—296,538.

2059. What was the expense of the Indian army in 1827?—In 1827, 12,200,000 *l.*

2060. Always exclusive of the payments in England?—Always.

2061. What was the number of men at that period?—275,786.

2062. Was not 1827 the period of the Burmese war?—The Burmese war had concluded in 1827, but the expense continued for some time after.

2063. In 1830 what was the expenditure in the three presidencies?—I have not any statement of the expense for a later period than 1828–29, which is the last year for which the Parliamentary accounts have been made up. In the month of May the accounts for 1829–30 will be presented, but they are not yet completed.

2064. What is the charge in the latest period that you have made it up?—£.10,341,000.

2065. What do you then consider, in point of expense, as a fair average peace establishment for India; have you ever given your attention to that subject?—I do not feel myself competent to give any opinion upon the amount of military force which should be maintained: mine is a department of finance.

2066. What sum should you say that the Indian government could afford to spend on its army, as compared with its revenue?—The Court, in revising the finances of India, with a view to bring the expense within the income, directed the Indian government to take the year 1823–24 as the proper standard; the expense in that year was 9,200,000 *l.*

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2067. Including pensions?—Exclusive of payments in England.

2068. Then that would bring the expenditure of the Indian army up to 10,000,000 *l.*?—Adding the home expense.

2069. What is the average expenditure upon the Indian army since the year 1814, as far as the accounts are made up?—The average expenditure in India of the Indian army is 10,200,000 *l.*, to which is still to be added the home payments.

2070. So that taking the average of peace and war since 1814, at 11,000,000 *l.*, and the average sum which the Directors considered ought to be expended on a peace establishment, the whole period, comprising periods of peace and war, has only exceeded the estimate of a peace establishment by 1,000,000 *l.*?—Yes.

2071. Has your attention been much turned to the subject of the additions made necessarily to the Indian army in time of war?—Merely in point of expense.

2072. As to the more economical or more expensive mode of effecting those additions?—I have some comparative statements of the expense of the different branches of the army; but propositions which may have been made for revised establishments, and which have not been adopted, have not come under my notice.

2073. How was the addition made to the Indian army in 1814, when the preparations for the Nepal war were commenced?—That appertains to the department of the Military Secretary.

2074. Did the manner of making those additions ever come before you in your office, as to which mode of increasing the establishment of the army was the more economical?—No, it did not.

2075. What was the expense of the staff in 1814, at each of the three presidencies?—In Bengal it was 182,268 *l.*; at Madras 178,598 *l.*; at Bombay the accounts for that period did not distinguish the staff from the other expenditure: they do now; I can state it for any period after 1818.

2076. In the year 1819, what was the expense of the staff?—£.246,000 *l.* in Bengal; 188,000 *l.* at Madras; 38,000 *l.* at Bombay: total, 473,000 *l.*

2077. In 1821, what was the expense of the staff?—£.217,000 at Bengal; 168,000 *l.* at Madras; 55,000 *l.* at Bombay.

2078. In 1826, what was the expense?—£.273,000 Bengal; 180,000 Madras; 172,700 *l.* Bombay.

2079. In 1829 what was it?—£.247,000 Bengal; 179,000 *l.* Madras; 165,000 *l.* Bombay.

2080. Do you know the number of separate commands in 1814?—I can easily furnish a Return, but I have not one with me.

2081. What were the number of local corps in 1814?—I am not prepared with statements of the local corps; but such statements have been called for, and will shortly be laid before this Committee.

2082. What is the expense of the local corps?—That is not particularized in the statements which I have with me; it can easily be returned, if the Committee please to call for it.

2083. Will you have the goodness to state the comparative expense of an European regiment of cavalry, an European regiment of infantry, a battalion of artillery and a battalion of engineers?—A regiment of cavalry, European, consisting of eight troops, supposing it to be complete, officers and men, 756, including the whole

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whole expenditure, whether in England or in India, and the proportion of the 60,000 *l.* a year, which the Company pay as a commutation for pensions, costs 73,788 *l.* Perhaps I ought here to remind the Committee that all the sums stated in sterling are at the high rate of exchange prescribed by the Board.

2084. Will you have the goodness to state the expense of a battalion of European infantry?—A regiment of infantry, consisting of 10 companies, supposing it to be complete, officers and men, 844, a King's regiment, 51,745 *l.*; a Company's European regiment, consisting of eight companies, and the officers and men, 783, 46,500 *l.*

2085. What is the expense of a battalion of artillery?—A battalion of foot artillery, consisting of four companies, 570, officers and men, supposing it to be complete, 35,132 *l.*

2086. A brigade of horse artillery?—A brigade of horse artillery, consisting of three European and one native troops, 510, officers and men, 49,556 *l.*

2087. What is the expense of a battalion of pioneers at each presidency?—That is not distinguished; a battalion of sappers and miners, consisting of six companies, of 835, officers and men, costs 20,680 *l.* per annum.

2088. Will you have the goodness to state the total expense of your engineer establishment, and your pioneer establishment at the three presidencies?—The total of engineers and pioneers is 160,000 *l.*

2089. What number do they consist of?—I have not any statement in detail of the strength of the army.

2090. Will you have the goodness to state the expense of a native regiment of cavalry, of a native regiment of infantry, and of a native battalion of artillery?—A regiment of native cavalry, consisting of six troops, 554, officers and men, supposing it to be complete, 35,784 *l.* A regiment of native infantry, consisting of eight companies, 792, officers and men, 24,492 *l.* A battalion of golundauze, consisting of eight companies, 1,090, officers and men, 31,500 *l.*

2091. Have you a Return of the pay of the different corps of the armies at the three presidencies of Bengal, Madras, and Bombay?—The following is a Comparative Statement of the pay to the Company's native troops at the three presidencies, Bengal, Madras, and Bombay.

(The Witness delivered in the same, which was read as follows:)

EVIDENCE ON EAST-INDIA AFFAIRS :

COMPARATIVE STATEMENT of PAY to the COMPANY'S NATIVE TROOPS at the
THREE PRESIDENCIES.

Number in each Regiment.	BENGAL.			MADRAS.				BOMBAY.			
		Monthly Pay of each in Garrison.	Monthly Expense of each in the Field.	Number in each Regiment.		Monthly Pay of each in Garrison.	Monthly Expense of each in the Field.	Number in each Regiment.		Monthly Pay of each in Garrison.	Monthly Expense of each in the Field.
	CAVALRY:	<i>Rs. a.</i>	<i>Rs. a.</i>			<i>Rs. a.</i>	<i>Rs. a. p.</i>			<i>Rs. qrs.</i>	<i>Rs. qrs.</i>
1	Subadar Major	105 -	135 -	6	{ 1 class	119 -	149 -	6	{ 1 class	101 2	129 2
5	Subadars	80 -	100 -		{ 2 d ^o	101 8	131 8		{ 2 d ^o	91 -	119 -
					{ 3 d ^o	91 -	121 -		{ 3 d ^o	91 -	119 -
6	Jemadars	32 -	40 -	12	-	31 8	42 -	12	-	31 2	42 -
	Color Havildars	-	-	-	-	-	-	6	-	23 -	30 -
27	Havildars	20 -	25 -	30	-	21 -	28 -	24	-	21 -	28 -
25	Naicks & Trumpeters.	16 -	20 -	36	-	17 8	21 -	36	-	17 2	21 -
420	Troopers	9 -	10 8	420	-	10 8	14 -	420	-	10 2	14 -
	INFANTRY:										
1	Subadar Major	92 -	107 -	8	{ 1 class	70 -	84 -	8	{ 1 class	70 -	85 -
7	Subadars	67 -	82 -		{ 2 d ^o	52 8	66 8 -		{ 2 d ^o	52 -	67 -
					{ 3 d ^o	42 -	56 -		{ 3 d ^o	42 -	57 -
9	Jemadars	24 8	28 -	8	-	24 8	31 8 -	8	-	24 2	32 -
	Color Havildars	-	-	-	-	-	-	8	-	12 2	15 -
40	Havildars	14 -	19 -	40	-	10 8	12 13 4	32	-	10 2	13 -
40	Naicks	12 -	17 -	40	-	8 12	11 1 4	40	-	8 3	11 1
16	Drummers	11 -	16 -	16	-	8 12	11 15 4	16	-	8 3	11 1
640	Privates	7 -	8 8	640	-	7 -	9 5 4	640	-	7 -	9 2
	FOOT ARTILLERY:										
15	Subadars	67 -	82 -	6	{ 1 class	70 -	84 -	8	{ 1 class	70 -	85 -
					{ 2 d ^o	52 8	66 8 -		{ 2 d ^o	52 -	67 -
					{ 3 d ^o	42 -	56 -		{ 3 d ^o	42 -	57 -
44	Jemadars	20 8	28 -	12	-	28 -	35 -	16	-	28 -	35 2
184	Havildars	14 -	19 -	42	-	14 -	17 8 -	48	-	14 -	17 2
160	Naicks	12 -	17 -	40	-	10 -	14 -	48	-	10 2	14 -
	Drummers	-	-	12	-	8 12	11 8 -	16	-	8 3	11 1
2,500	Privates	7 -	8 8	560	-	8 4	10 9 4	560	-	8 1	10 3
	HORSE ARTILLERY:										
3	Subadars	80 -	100 -	4	{ 1 class	129 -	159 -	-		-	-
					{ 2 d ^o	111 8	141 8 -	-		-	-
					{ 3 d ^o	101 -	131 -	-		-	-
3	Jemadars	32 -	40 -	8	-	39 8	50 -	-		-	-
19	Havildars	20 -	25 -	32	-	25 -	32 -	-		-	-
24	Naicks & Trumpeters.	16 -	20 -	16	-	20 8	24 -	-		-	-
270	Privates	9 -	10 8	528	-	12 8	16 -	-		-	-

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James C. McNeill,
Esq.

2092. Will you inform the Committee regarding the rates of exchange at which the officers and men of His Majesty's corps in India are paid, and whether the difference of such exchange has ever been a subject of discussion, or of public complaint?—With respect to officers, the arrangement made with the King's Government has always been that they should receive as much in the whole as a Company's officer of corresponding rank receives. The excess beyond King's pay, whatever may be the rate of exchange, is regarded as Company's allowances. With respect to the men, when the question of remitting their pay arose, the Company have given to the soldier the old rate of 2 s. 6 d. the rupee.

2093. Are you aware that in the payment of the soldier in India, his pay is given to him at a lower rate than the actual exchange; than 2 s. 6 d.?—It is given to him in India at 2 s. 6 d., and when the question of exchange arose, as to remitting any portion of his pay, then he got the 2 s. 6 d. in this country.

2094. Have you ever known any discussion or any complaint made upon this subject, of an official character?—I am not aware that there has been such discussion or complaint.

2095. The statement that was made to the Committee was, that when the soldier's account was made out, he was credited with his pay at 2 s. 6 d., and that he was debited with his allowance at another rate of exchange; is that so?—I have never heard of such a custom.

2096. If an officer of His Majesty's service dies in India, is not the produce of his estate or effects remitted at the exchange of 2 s. 6 d. the rupee?—No; the family remittance money, which consists of deductions from the pay of non-commissioned officers and privates, intended for the use of their families in England, is remitted at that rate.

2097. What was the expense of irregular cavalry in 1814?—I have the total expense of the cavalry; the irregular cavalry is not distinguished in these accounts.

2098. What was the expense of the Commissariat in 1814?—It was 30,982 l. in Bengal, and 44,856 l. at Madras. The Bombay statements did not give that head separately at that period.

2099. Will you have the goodness to state what it was in 1821 at each presidency?—£. 91,337 for Bengal and Madras.

2100. For 1826, can you give it?—£. 92,088, Bombay still not distinguished.

2101. Can you give it for the present time?—Not for Bombay; 81,519 l. for Bengal and Madras.

2102. How is it that the Bombay is not included?—In consequence of the accountant-general there having merged it in the general military expenditure.

2103. What was the total expense of the clothing in 1828–29?—£. 224,900.

2104. Has any great reduction been effected in that item of expense?—It only varies with the number of the men, the rates of stoppage for clothing being fixed.

2105. The surplus going to the off-reckoning fund?—The surplus belongs to the colonels.

2106. Will you have the goodness to give the Committee the expense of your barracks in the years 1828–29?—It was in 1828, 13,813 l., in Bengal, and at Madras 10,967 l.; in 1829, 28,367 l., Bengal, and 13,051 l. for Madras.

2107. Does

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2107. Does that relate to the establishment of barrack-masters, barrack-serjeants, and also to the expenditure of barrack stores?—Yes, it does. .

2108. Will you have the goodness to state the expense of your new works, and of your repairs, both to barracks and to fortresses, in the year 1828?—The total for India is 276,000 *l*.

2109. What was the expense of hospitals in India in 1828?—£. 291,780, including the medical establishment.

2110. Does that include every expense for medicine, medical establishment and everything?—Yes.

2111. Will you have the goodness to state the amount of retired allowances, both full and half-pay, to officers on the retired list, in the years 1814, 1822, and 1828?—In 1814, 81,663 *l*. ; in 1822, 82,012 *l*. ; in 1828, 101,674 *l*.

2112. Is there not a fund called Lord Clive's Fund?—There is.

2113. Will you have the goodness to state the nature of it?—The fund designated "Lord Clive's Fund," was formed by some property belonging to Lord Clive, to which was added a sum of money given by the Nabob of Bengal, and those two sums together were received into the Company's treasury in deposit, at an interest of eight per cent. ; the condition of the grant was that the produce of that fund should be applied in pensions to officers, to European non-commissioned officers and privates, and to their widows.

2114. Will you state the amount of the fund, and of the several charges on it, and the nature of the several charges on it at the present moment?—The capital of the fund was originally 100,533 *l*. producing an interest, at eight per cent., of 8,042 *l*., and the annual charge upon the fund at this moment is 51,000 *l*.

2115. Will you state the manner in which that charge arises on it, and the different items?—The amount for pensions to the European non-commissioned officers and soldiers in England and in India is 33,900 *l*., and the allowances to officers and to widows 17,100 *l*.

2116. Is there any fund for the widows of officers, independent of Lord Clive's Fund?—There are funds at all the presidencies of India, called Military Widows' Funds, which are maintained by subscriptions on the part of the officers, and by contributions from the Company. From those funds, and the Orphan Fund in Bengal, and from Lord Clive's Fund, the widows of officers and their children are provided for.

2117. What was the amount in 1828 paid by the Company and by Lord Clive's Fund to widows and to the Widows' Funds?—Lord Clive's Fund has long since been worn out, principal and interest, so that the charges upon it are in fact charges upon the Company. With regard to the Widows' Funds, the direct aid of the Company is 5,123 *l*. per annum ; but the funds profit principally by an indirect aid, in the shape of a high rate of interest on their balances, and of an advantageous rate of exchange on their remittances to England. I have a calculation here of the total advantages to the funds in those various modes, amounting in the whole to 47,091 *l*. a year, including the direct contribution of 5,123 *l*. Those funds are not managed by the Company, but by trustees, appointed on the part of the officers.

2118. How many officers had you receiving retired allowances in 1828?—Four hundred and ninety-one.

2119. Have you ever made a calculation of the average number placed on retired allowance each year, on a long average of years?—The number has greatly increased since 1796, when the practice of granting retired pay was first introduced; the numbers were comparatively small at first, and they have gone on progressively increasing, and it can scarcely be said that they have reached their maximum.

2120. Do you conceive that the retired allowances have about reached their maximum?—Considering that reductions in the number of officers have been lately effected, it is possible that the amount may now be at its maximum, without reference, however, to the effects of any new retiring funds.

2121. What is the charge for pensions to non-commissioned officers and men for 1814, 1822 and 1828?—In 1814, 14,651*l.*; in 1822, 20,106*l.*, and in 1828, 29,627*l.*; the pensions were increased in the intermediate period.

2122. Have you any Return of the number of widows and children receiving pensions?—I have, of the number of widows.

2123. What was the number in 1828?—Three hundred and seventy-two, from Lord Clive's Fund.

2124. Have you any Return of the number of non-commissioned officers and men in the years 1814, 1822, and 1828?—In 1814, 856; in 1822, 1,088; in 1828, 1,707.

2125. Do these numbers apply only to the European officers and men, and to the widows of European officers and men?—Those are the numbers of European non-commissioned officers and men pensioners.

2126. How many native officers have you in the receipt of pensions?—I cannot distinguish native officers from soldiers; the total of both is 23,130.

2127. Have you any Return of the expense of half-pay to the native officers and soldiers?—The amount of pensions to native officers and soldiers at the three presidencies, in the year 1828, appears to have been 211,903*l.*

2128. Is there any other pension list except what you have described?—There are some cases in which the Company have, in consideration of circumstances of peculiar distress, granted allowances in addition to those granted under the head of Lord Clive's Fund.

2129. What was the expense of the military stores sent out to India in 1828?—In 1828, 514,726*l.*

2130. Does much difficulty arise, from the different rates of allowances at the different presidencies, in keeping the accounts?—No, I am not aware of any difficulty; the accounts of each presidency are kept separate.

2131. If the whole army was placed under one commander-in-chief, and the accounts under one board at Calcutta, would there not necessarily arise much simplicity and much saving of labour in keeping the accounts?—I apprehend not in keeping the accounts; the great difficulty at present in adjusting and combining the accounts arises from the variations in the currencies; an uniform currency would undoubtedly facilitate the keeping the accounts.

2132. Did you ever take into calculation what the expense would be of equalizing the pay at the different presidencies; say, for instance, on the establishment of
E.I.—V. c c 1828?—

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1828?—It would depend upon the mode of equalizing, whether you brought up to the highest, or went down to the lowest, or took a medium.

2133. If you brought up to the highest, what do you calculate would be the expense?—I have never made any distinct calculation; I apprehend the expense would be very considerable.

2134. Can you state in round numbers what you consider the sum might be?—No, I cannot; I have generally considered the expense would be very large.

2135. Would the military boards at each presidency correspond directly with the India House, without passing through the central government at Calcutta?—The military boards correspond with the local governments, and the local governments correspond with the Court of Directors.

2136. Are the accounts of the military boards of the different presidencies always sent to the central government for their inspection and consideration before they come home?—No, they are not.

2137. Have you any statement of the loss which has accrued upon the military stores?—Since 1814, the amount of military stores exported has been 2,750,000 *l.*, and the damage upon the whole, by defects in package, has been only 2,880 *l.*; damages on shipboard are chargeable to the owners of the ships.

2138. Will you have the goodness to state the expenses of the college at Addiscombe for the year 1828?—£. 27,000 was the expense of the military seminary.

2139. What was the expense of the military depôt in 1828?—£. 28,960, including recruiting.

2140. Will you have the goodness to state what was the arrangement made with the English Government respecting the expense of the troops to be furnished by them, and the mode of defraying that expense?—The general principle of the arrangement was, that the Company should repay to the King's Government everything that was expended in this country in respect of regiments serving in India. Difficulty was found in carrying that principle into effect, and it was arranged in 1824, between the Lords of the Treasury and the Court, that an officer on the part of the Crown and an officer on the part of the Company should meet and consider all the items of expense, and report upon the subject. They did so; they made a Report to the Lords of the Treasury on the 18th of June 1824, in which they stated all the points upon which they agreed and all the points upon which they differed in opinion. The Lords of the Treasury and the Court corresponded upon the subject, and an agreement was finally entered into. This is a copy of the Report and of the Agreement, if the Committee wish to receive it. (*The Witness delivered in the same.*) The expense in this country is about 270,000 *l.* a year.

2141. Does the 270,000 *l.* include the 60,000 *l.* for half-pay and pensions?—No, that is a payment quite separate, under an Act of Parliament.

Colonel DAVID LEIGHTON, C. B. again called in and examined.

Colonel
David Leighton,
C. B.

2142. HAVE you any suggestions to offer to the Committee, in addition to those which you have already given, connected with the subject upon which you have been examined?—I have given the subject some consideration, and there are some points that I would like to record. The practice of allowing a great number of

of casualties to occur in the army, and of then sending out a great number of cadets at one time or in one season, I consider very injurious to the service. It makes too great a break in the regiments, too great a difference between the length of service or standing of subalterns in succession, and too great a number of young men get together. At other times, cadets are sent out when there are not commissions for them. When I left Bombay, there were 28 cadets in the infantry alone for whom there were no vacancies, and two or three supernumerary lieutenants and ensigns in most of the regiments, which was owing to the reduction of the strength of the army and number of officers ordered in 1829. I think it would be better if the cadets were not sent to India under the age of 18. Sixteen years of age is the present regulation. I think they would be more healthy and more useful. I mentioned in my last examination, that the horses for the cavalry were generally purchased by contract. Under the government of Sir John Malcolm an order was issued permitting commanding officers to purchase horses for their regiments. I cannot say what effect that order may produce; referring to the singular order regarding the Company's European regiments, I have to observe that if it be intended to do them away, I should consider it a very hurtful measure to the service. From the Company's European troops a great number of non-commissioned officers are supplied to the native infantry and to departments, and there are other reasons why those regiments should be kept up, in my opinion, and the number of men increased instead of being diminished. I consider that they were much more useful as two regiments than as they are at present; 500 Europeans in one part of the country, and 500 in another, are sometimes very much wanted and very useful. When the rank of colonel was conferred upon the Company's officers, in 1829, the order which was sent out specified that officers so promoted would take the rank of colonel by brevet in the territorial possessions of the East-India Company, and not even "in the East-Indies only," as all other King's commissions are expressed; so that a colonel employed out of their territorial possessions would only have the rank of lieutenant-colonel. I can hardly allow myself to think that that was intended, but think it was intended that the commission of colonel should extend as far as the other commissions. I cannot see any reason why the commissions of officers in the East-India Company's service should be limited to India, and think they should be effectual wherever their services are required. When the troops went to Egypt from India, the officers were told that their commissions were good for nothing. With reference to what I stated regarding the want of general officers, I beg to mention, that, by the Act of Parliament, the East-India Company are authorized to name commanders-in-chief for the different presidencies, either of His Majesty's or their own service, with the approbation of His Majesty; and that for the last 36 years which I have known the army in India, not one of the general officers in their own service has been appointed to the situation. I wish to make no remark upon the subject, further than to say, that it is certainly anything but gratifying to the Company's officers. Many of the Company's officers have accidentally obtained the command, and held it for upwards of 12 months, but without a seat in council, which they would have had if they had been appointed regularly to the office of commander-in-chief. His Majesty's officers have sometimes complained of the hardship of junior officers in the Company's service being placed on

V.
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Colonel

David Peel

C. B.

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Colonel
Wm. Leighton,
F.

the staff to command divisions instead of them ; but, in my opinion, without good reason, as the number of general officers on the staff for both services is fixed by the authorities in England. I consider it highly proper that His Majesty's officers should have a due proportion of government commands, but only so in proportion to the number of His Majesty's troops, not in proportion to the number of superior officers sent out with regiments, or who afterwards exchange into them ; but the governments of the three presidencies must have the power of selection for commands.

2143. Can you afford any explanation as to the off- reckonings ; the number of officers who by regulation receive a double share of off- reckonings, and the number that receive half the share of off- reckonings ?—When the regiments were divided in 1824, a colonel- commandant was given to each battalion, and which is now called a regiment ; and by the regulations of the Company, it is ordered that an officer promoted, and who would have obtained off- reckonings on the old establishment prior to 1826, should receive the old established allowance for two battalions ; and that officers who succeed to off- reckonings subsequently should only get the short or half allowance.

2144. Do you think that doing away with the European infantry of the Company would, in a political view, have a depressing, if not a degrading effect upon the local army of India, which would then have no Europeans but the artillery ?—Certainly, it has always been objected to, particularly when the regulations of 1796 were established ; it would be lowering the Company's service, and I think the respectability of the Indian army must in some degree sink with the want of general officers to command divisions. It is somewhat unfortunate for the service, that frequently commanders-in- chief come out who have never served in India, and with them staff officers who have never served there ; many of them have prejudices or erroneous opinions regarding the native army, which in time they overcome, but are succeeded by others equally unacquainted with the service. Other general officers likewise come out who have mistaken ideas at first ; and I say that it is unfortunate for the service when they are relieved soon after they become well acquainted with the nature of it in all its branches, and can control the expenses of departments and the issue of stores.

Sabbati, 14^o die Aprilis, 1832.

The Right Hon. Sir JOHN BYNG in the Chair.

Major-General Sir CHARLES DALBIAC called in and further examined.

14 April 1832.

Major-General
Sir Charles Dalbiac.

2145. WILL you have the goodness to give a concise statement of the grievances you think the officers and soldiers suffer from the mode in which they are paid in India ?—One very great loss or disadvantage which the European troops sustain in India, with respect to their accounts, especially the King's troops, and which

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Major-General
Sir Charles Dalrymple

which has given rise at times to strong complaints, is this, that in payments made by the troops to the East-India Company, the rupee is credited at a sterling value considerably below that at which it is debited by the East-India Company to the troops. Indeed, the following curious anomaly is exhibited in the accounts of every King's regiment serving in India, namely, the rupee, which in all issues of pay is charged to the troops at the exchange of 2*s.* 6*d.* sterling, is in the very same monthly account credited back to the troops at from 20 to 25 per cent. less than that exchange for payment to the Company, on account of remittances to England through the Court of Directors, whilst for other indispensable remittances to England on account of the troops, which are not authorized to be made through the Court of Directors, the soldier has to submit to a still more unfavourable exchange. The sole exception to this anomaly in Indian accounts, with the King's troops, arose out of the War Office circular, N^o 466, dated 30th April 1822, and addressed by Lord Palmerston, when Secretary at War, to officers commanding regiments in every part of the globe, directing that the soldier on foreign service should be afforded the means of making remittances to the amount of his pay, for the support of his family at home, without loss or risk. In conformity to the provision of which circular, authority was notified by a Government Order in Bombay, dated 14th June 1823, for non-commissioned officers and soldiers (commissioned officers have been excluded,) of the King's regiments under that presidency to make the said family remittances at the same rate of exchange (viz. 2*s.* 6*d.* per rupee) as that at which the rupee is debited to them in all issues of pay, but by bills made payable at six months' sight. When, however, non-commissioned officers and soldiers die in India, the said rate of exchange is denied for the remittance of their effects and credits to England. Under the regulations of the Court of Directors, dated 18th December 1811, a remittance of the fees of officers' commissions, and of the regimental effects of deceased officers, non-commissioned officers and soldiers, was authorized to be made through the Court of Directors, at the exchange of 2*s.* 3*d.* the rupee, the same being no more than a loss or discount of 10 per cent. But by the regulations of the Court, N^o 310, of 1825, that indulgence was rescinded; and the fees of officers' commissions in His Majesty's service, and the regimental effects of deceased officers, non-commissioned officers and soldiers, are no longer allowed to be remitted through the Court of Directors, but at a rate of exchange notified annually by the Court, and subject to variation, which rate has been from 20 to 25 per cent. below the rate at which the rupee is charged to the troops in all issues of pay.

Moreover, when an officer, non-commissioned officer or soldier happens to die intestate, and is possessed of property in India, in the hands of individuals, and not considered regimental property, such property (other than regimental effects) is taken possession of by the registrar of the presidency, a regulation excellent in principle, as providing security for the property of all British subjects dying intestate in India; but under the existing forms and terms upon which the office of registrar is conducted, the representatives of an officer, non-commissioned officer or soldier dying intestate in India, and possessed of property (other than regimental effects), cannot hope for a more favourable remittance of such property through the registrar than to receive the same, after the expiration of four years from the death

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of the deceased, at a loss or discount of more than 35 per cent., even though it were manifest that such property had accrued chiefly or wholly from the savings of pay issued to the deceased whilst in India, which with respect to non-commissioned officers and soldiers must be almost invariably the case. Upon a subject so serious as the above to the interest of the representatives of officers, non-commissioned officers and soldiers dying in India, I wish to adduce a case in point which came officially under my notice. Quartermaster Allan, of the 4th dragoons (then under my command), died intestate at Kaira in Guzerat, on 13th June 1824, leaving four children, three of whom were in England: his property (other than regimental) was made over to the registrar of Bombay. Upon my arrival in England 10 months afterwards, Lord Palmerston, as Secretary at War, appointed me trustee to his affairs; and after a remonstrance from his Lordship to the registrar, of the 22d December 1826, the balance of the late quartermaster Allan's account was remitted to me: 9,653 1/2 rupees was the amount received by the registrar on account of the deceased's estate, which sum had accrued most assuredly in a great measure from savings out of his pay and allowances, and at the rate at which his pay and allowances had been issued would have brought 1,206 *l.* 14 *s.* sterling, whereas the sum I received from the registrar by bill at six months' sight, was 764 *l.* 0 *s.* 4 *d.*, paid to me through Messrs. Forbes & Company, in June 1828, four years after quartermaster Allan's decease; and this account was carried through with something more than ordinary expedition, by reason of the letter which the Secretary at War addressed to the registrar upon the subject. I wish to submit to the Committee another point with respect to the accounts of King's troops serving in India. There are certain very expensive articles of regimental necessaries, especially for the cavalry soldier, which are of necessity supplied from England; I mean such articles as cloth overalls, boots, girdles, &c., which articles when delivered to the troops in India, reach nearly double the price at which they are charged to the soldier at home. I am aware that the prices are materially and unavoidably enhanced by freight, insurance and other import expenses; but by much the more serious increase of charge to the soldier arises from the very great depreciation of the coin in which he is paid in India, in comparison with the coin in which he has to pay for the necessaries supplied from this country. A very forcible appeal was made to me by the King's regiment of cavalry in Bombay whilst under my command, praying that the prime cost of some such expensive articles which had been supplied from England might be permitted to be paid for by bills through the Court of Directors at the same rate of exchange as that at which the soldier's pay was charged to him in India. This appeal I submitted the 11th of October 1823 to the Military Secretary at Bombay: it was laid by the Commander-in-Chief before the Governor in Council, but the relief prayed was not granted; the reply being to the effect, as far as my memory serves me, that there was nothing in the regulations of the Court of Directors to warrant such an arrangement. It has appeared to me more than probable that the Committee may consider the soldier serving in India to have some claim for consideration upon the point in question, in cases where regimental necessaries are of necessity supplied from Great Britain.

Martis, 17^o die Aprilis, 1832.

The Right Hon. Sir JOHN BYNG in the Chair.

Captain MACAN called in and examined.

V.
MILITARY

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2146. You have served a long period in India, have you not?—Twenty-three years.

2147. How long is it since you left India?—Two years and a half.

2148. What situation have you held?—For the last 12 years I was in India I held the situation of Persian Interpreter to three Commanders-in-chief—Lord Hastings, Sir Edward Paget, and Lord Combermere.

2149. You have had the means of obtaining great knowledge of the military system pursued in that country?—I have a general acquaintance with the military system on the Bengal establishment.

2150. Have you served at either of the other presidencies?—I have not; and I beg that my observations may be considered as exclusively applicable to the Bengal presidency, though I have not the slightest doubt that many of them may be equally applicable to the other presidencies.

2151. What is your opinion of the efficiency of the army of the presidency where you have served?—In considering the efficiency of the army, I would propose to consider, first, its strength and organization; secondly, its discipline, and what is called by military men *morale*, by which I understand its feeling and character; thirdly, arms and equipments; and, lastly, I shall observe on the staff, and on the distribution of the army with reference to foreign invasion and domestic tranquillity. The strength of the army has varied according to circumstances and exigencies; I believe the strength of the native army now in Bengal to be little short of 90,000 men. Its efficiency, in point of numbers, may be considered under two heads; first, with reference to foreign aggression; and, secondly, to the internal tranquillity of our own vast empire. For either of these purposes, the army, in point of numerical strength, is more than efficient, but for both, I think it is barely so. With reference to foreign aggression, it may be here necessary to consider the states that immediately touch our frontiers. The most important of these is undoubtedly that of the Seikhs, on our north-western frontier; whether we consider its situation, its revenue, its military force, or the warlike character of its ruler. This power is supposed to be capable of bringing into the field about 20,000 efficient cavalry, and perhaps as many of a less efficient description; a considerable body of infantry, more or less organized, and disciplined by French officers according to the European system of tactics, and a better artillery, horse and foot, than any other native state. Runjeet being the ruler, is said to have accumulated a vast treasure: his country is populous, fertile and extensive, including not only all the tract known by the name of the Punjab, from the mountains on the north-east

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cast to the district of Moulton, inclusive, on the south-west, but also considerable tracts beyond the Indus, and the whole valley of Cashmere. With this chief we made a treaty in 1808, the basis of which was, I believe, that we were not to interfere or control his views beyond the river Sutledge; and that he was not to meddle on our side of that river. Against this power, were we to go to war, 20,000 men would, I conceive, be a sufficient force, with a reserve of 4,000, not only to punish aggression, but to conquer the whole of his country, as far as the Indus, in the course of two or three months at farthest. But as a war on one frontier will inevitably produce threats on all others (which threats, if we are not prepared to punish or oppose, will inevitably become open hostilities), we must be guarded on all sides; and our Indian empire can never be considered in a state of peace. On our western and south-western frontier are the Mahratta and Rajpoot states; but these powers, though once formidable, are now feeble and disunited; and as the troops of the other presidencies would participate in any operations against them, 15,000 men on the side of Bengal would be ample to overawe those powers or to punish aggression. Our northern frontier brings us in contact with the Nepaulese, a brave and warlike race, who gave us much trouble during the short war we had with them, and against whom, in their mountainous country, I consider our native troops, unaided by a large proportion of Europeans, unfit to cope. The Nepaulese are not, however, considered so formidable on the plains; but as they touch our frontier for some hundred miles, they could give us great annoyance, if we were engaged in a war in any other quarter, and would, at all events, require to be watched by strong detachments of observation in the Terrai. Perhaps 6,000 or 8,000 men, well stationed, would be sufficient for this purpose. Of our south-eastern frontier we showed an extraordinary ignorance, until the Burmese lately showed to us how vulnerable we were in that quarter; but possessing the territories of Arracan, as we now do, they will find it difficult to annoy us as they did before. It will, however, be necessary to have that province and south-eastern frontier well protected, and for this purpose I should think, considering the vast extent of frontier, 10,000 men, with a body of 500 irregular horse, would not be considered too much. A defenceless frontier often proves the cause of expensive wars, by courting aggression; and I have no doubt, that had our eastern frontier been properly guarded, the Burmese would never have made inroads into it; and we might have been saved an expenditure of, I believe, upwards of 10 millions sterling in the war that ensued. From what I have stated above, it will be seen that I consider little more than 50,000 men quite ample on the side of Bengal, either for defence against the simultaneous aggression of native states, or even to extend our conquest; and it might be supposed that out of an army of about 100,000 men, including His Majesty's troops, such a force might be easily spared, without endangering our domestic peace; but the fact is the very opposite; an army of half that number could not march from the Bengal presidency to make war at any distance beyond its frontier, without causing considerable domestic commotion; and the conclusion is obvious, viz. that more than half our army is required to preserve internal tranquillity, and support our civil administration; and this shows that our empire is maintained by the sword, and not by the wisdom, justice, and vigour of our civil administration, the love of the people or the force of opinion, unless is meant

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by this expression, so often used, the opinion of our ability and readiness to punish aggression.

The system of civil administration, which has been so much and so frequently extolled by those who administer it, could not stand six months without the active or influential aid of our troops; nor can I look forward to a period when we can hold our Eastern empire by anything but military power and supremacy. There is not a large city in India that cannot pour forth, when excited by any cause, a military population of from 5,000 to 15,000 armed men: an instance of this occurred at Bareilly in 1816: 10,000 or 15,000 men assembled there and attacked our small body of troops, cut into our square, and for a time took possession of one of our guns; and in the province of Rohilcund, in which Bareilly is situated, 25,000 armed men, with a good share of discipline after their own fashion, could be assembled in five days. The city of Benares has often put forth 10,000 or 15,000 men, when excited by religious feuds between the Mahomedans and Hindoos; and, as I have said before, there are few large cities in our Eastern empire which do not contain a large body of armed men, ready to take advantage of the absence of troops to excite commotions, in the hope of plunder. On the occasion of the relief of troops, attention is invariably paid to this spirit of insubordination in the mass of the people of these large towns, and if the commander-in-chief wants to assemble a small body of men at any point, he is much embarrassed to know from whence they can be spared; and whenever we have taken the field (indeed, I believe at all times, either of peace or war), we employ five or six battalions belonging to the Begum Sumroo to protect our cantonments from being plundered and burnt during the absence of our military force. I think it may be inferred, from what I have above stated, that the native army of Bengal is not more than sufficient, if quite so, for the purpose of repelling foreign enemies and preserving domestic tranquillity, and proves the fallacy of the opinions so frequently stated by former governors-general, of their hopes to make reductions in the army at the conclusion of certain wars then in hand. The contrary has always proved the fact; for all our wars, though generally wars of defence and not of aggression, ended in increase of territory; and though we conquered enemies, we did not find we could reduce our army, and with every extension of territory, and every conquest of a foreign foe, I am convinced we shall find a greater necessity for increasing it, because, as I have before stated, our government in the East is upheld by military force alone. With regard to the discipline of the army, as far as regards regularity of conduct, steadiness under arms, and precision in battalion evolutions, they are, I think, all that can be desired, and much more than could reasonably have been expected, considering that they are scattered over a vast extent of country, and frittered away in detachments for civil duties, which more or less destroys their organization and efficiency considered as a military body. But in all the higher qualifications of soldiers, in devotedness to the service, readiness for any duty they may be called on to perform, cheerfulness under privations, confidence and attachment to their officers, unhesitating and uncalculating bravery in the field, without regard either to the number or character of the enemy, the native soldier is allowed by all the best informed officers of the service, by those who have had most experience, and who are best acquainted with their character, to have infinitely deteriorated. As a proof

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of their former readiness and present dislike to go on service for which they were not enlisted, I need only mention, that when volunteers were required for Egypt, for the Isle of France and for Java, there was no difficulty in getting them, but on the breaking out of the war with the Burmese, the sepoys on the Bengal establishment* showed a decided reluctance to volunteer for that service. A misfortune which occurred at the first breaking out of that war, in having one of our detachments cut up at a place called Ramoo, was the watch-word of alarm throughout the native army. One battalion at Barrackpore mutinied when ordered to march to the eastern frontier against the Burmese. The cause of that mutiny has been, I know, attributed to a want of means of conveying their baggage; but I am firmly persuaded, that if that battalion had been ordered to the westward instead of to the eastward, we should never have had a mutiny, and never have had any complaints of want of carriage; and it is a well known fact, which can be proved by a reference to the commander-in-chief, that two days previous to that on which they were ordered to march, the cattle for the baggage were reported to be efficient and ready. Again, in the petition sent in by that mutinous battalion, the night before they were attacked, they stated their causes of grievance, and never once mentioned the circumstance of the want of carriage for their baggage.

2152. What causes of grievance did they state?—Two: first, their having been required to embark on board ship; secondly, the unjust influence of the havildar-major with regard to the promotions of the non-commissioned officers in the battalion. These were the only two causes mentioned by them in their petition, which I translated and answered by his Excellency's orders; but if, as has been erroneously supposed, the cause of mutiny was the deficiency of carriage, to what is to be attributed the extensive desertions which took place from every battalion that was at that time ordered to the eastward from the Upper Provinces, and which desertion was effectually checked by the punishment of the mutineers at Barrackpore? Again, at the siege of Bhurtpore, a spirit of disaffection was manifested by a battalion, arising from one of the men, who had been wounded in the trenches, having died while under the care of the surgeon of the hospital: the dead body was taken round to the different battalions, and it was observed by many of the soldiers, that if they went to the trenches they were killed by the enemy, and if to the hospital, by the surgeon; and though no serious evils attended this event, the easily excited passions and prejudices of the natives rendered it very alarming at the time. The causes of the deterioration of the native soldier are numerous, and, I fear, of too extensive and intricate a nature to be satisfactorily explained by me, without more deliberation and reference to memoranda than I at present am allowed. Among many other causes, I would mention that the bond of attachment between the native and the European officer is almost broken. In former times, when an officer who commanded a battalion had large allowances, partook of civil and political duties, had great distinction, and possessed the power of rewarding merit, he had better means of attaching the natives to him than he has at present, when

* The Madras sepoys volunteered for Ava, and served there; but their greatest admirers must allow they were not found so well qualified for that service as for combat on the plains of India, and the Burmese were effectually opposed by the Europeans alone.

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when he has not one of these advantages; and the history of those times shows that the men fought as well, and were as easily managed by a commanding officer and an adjutant to each battalion, as now that they have a greater body of European officers. The European officers in those days found it necessary to attend more minutely to the prejudices, customs, and habits of the natives under their command; they partook of their amusements, subscribed money to their festivals, and rewarded them in various ways calculated to attach them and secure their fidelity, and we accordingly read of the strong attachment and fidelity of the native soldier to his European officer; but from my own observation, and from what I have heard from the best informed of the officers of the native battalions, I do not think this attachment any longer exists, or if it does, in a very feeble degree. Another source of the deterioration of the sepoy is, that we enlist a different class of men to what we used formerly. In our early career of conquest in India, and indeed up to the end of the Pindaree war, that vast country was divided into a multitude of petty principalities and independent states, almost always in actual war with each other, or at all events prepared for defence or aggression. This state of society was eminently calculated to form a military character, and accordingly we found the profession of arms at that time almost hereditary; a loose population of perhaps two millions of military men floated on the surface of society, and were to be hired by any chief who could pay them best, and thus the military character was preserved. Since the Pindaree war the political control which we have exercised over the independent states prevents this mutual aggression, and those states which we style independent have gradually relinquished their military pomp and retinue; and that class of society which formerly gained their livelihood by arms alone, have gradually turned their swords into ploughshares, but are still ready to take up arms and excite tumult. In former times the sepoys had many advantageous privileges which they have not now; we were then generally in a state of war, and when in an enemy's country they lived more or less free of expense; indeed, when travelling in our own provinces, they had many advantages, unjust, no doubt, to the people, though gratifying and profitable to the soldier; they got wood, pots, and many little articles of food, for nothing; and I have heard an old officer in the Company's army say, that formerly, when a detachment went out on service, they lived almost free of any expense: this system has been partly abolished. Another advantage which the sepoys had formerly was, that in any civil suits in courts of justice, their complaints were heard before all others. The regulation on this head, I believe, still obtains, but I do not think it is strictly acted on; and the insulting superiority of natives in civil appointments renders the soldier discontented with his comparatively hard lot. The organization of the army is founded on that of His Majesty's troops, with this exception only, that there are fewer officers to a battalion or regiment; a captain is not allowed to each company or troop, as in the King's service, and of the officers nominally posted to corps, not more than one-half are ever present.

The equipment, as far as the arms, accoutrements, and clothing are concerned, is the worst I have ever seen, and this has been observed by every successive commander-in-chief.

2153. Are the muskets bad?—The muskets, pistols and swords are bad.

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2154. How is the ammunition?—The ammunition is good; at least, I have never heard any complaint against it.

2155. How are the muskets, as compared with the King's troops?—Much inferior; I speak of them in comparison with the King's troops.

2156. Has this always been the case during your experience, or only lately?—Latterly, I think, they have been better.

2157. Do His Majesty's troops in India use the Company's or their own arms?—I think they take their own arms to India, and that they are left there in store for succeeding corps.

2158. How is the army supplied?—The army is now supplied by a commissariat department; it was formerly done by contract. I have no means of ascertaining which is the most economical; but, in times of peace, the former system would, I think, be the cheapest; and though it may have been more expensive in time of war, yet it is not fair to judge of what it might be by what has been, when our resources were but little known, and when we were almost constantly in the field.

2159. You mean as to provisions?—Yes.

2160. Then, what is your opinion of the stores generally?—The stores, with the exception of the gunpowder, are all sent from England, and I believe have been generally considered good when sent out; but it has constantly happened that on service they have been found bad; the shells have been honeycombed, and the composition of the Congreve rockets decomposed from having been too long kept.

2161. Can the number of stations in the Bengal presidency be with proper security reduced?—I think they can be reduced with great advantage and perfect security.

2162. Are you of opinion that the number of staff can with propriety be reduced?—I think considerable reductions may take place in the staff; and I am told that the present government of India are reducing them considerably.

2163. You say that you think the stations in the Bengal presidency might be safely reduced; to what stations do you apply that observation?—I consider that the stations of Nusseerabad and Neemuch, which were formed after the Pindaree war, might be done away with. In a military point of view they are of no use to us; in a political, they have got us into the greatest embarrassments with the Rajpoot states, embarrassments from which we are not yet extricated. At the stations of Nemuch and Nusseerabad there are, I believe, about 4,000 or 5,000 troops.

2164. Do you think other stations in the Bengal presidency may be reduced?—I think several may be reduced.

2165. Could you enumerate them?—I cannot at a moment point out all such stations, but either Agra or Muttra might be abolished as great military stations, and the troops at both concentrated at one. In a military point of view, the larger masses of troops we can keep together the better; and it is a serious injury to the discipline of the army their being scattered and subdivided. To preserve its discipline at all, a large body should be assembled at least every year for exercise, and to keep up the semblance of war, if we have not the reality.

2166. Would the reduction of these stations be attended with a great reduction of expense in the diminution of the staff?—Some reduction of expense would be no doubt effected, which in the aggregate might be worthy of consideration.

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2167. But you think it principally important with a view to the improvement of the discipline and efficiency of the army?—It is absolutely necessary for that purpose that large bodies of troops should at least be occasionally assembled and act together. With regard to the political prudence of this measure, there may exist a difference of opinion; but in the instances I have given, I am convinced a concentration would be attended with practical benefit.

2168. In what respect would you propose that the staff should be diminished?—By concentrating the military force, and diminishing the number of stations, there will be a consequent reduction of staff. The army of Bengal has been called an army of staff, but this partly arises from there being no class of people in India to perform small civil duties except the officers of the army.

2169. Are the Committee to understand you to say, from your knowledge of India, that the staff of the army of Bengal is more numerous, in proportion to the amount of forces, than the staffs of the other presidencies?—I am not aware that it is.

2170. Are you of opinion that the staff is more numerous than is desirable for the efficiency of the service?—I think it more numerous than is *necessary* for the efficiency of the service.

2171. Do you make that observation independently of the number of stations?—I do, and with reference even to the existing distributions.

2172. You allude to the staff being so great on account of the numerous stations necessary to be filled up by the army?—Yes; and to the other causes I have stated.

2173. Could those staff appointments be advantageously reduced?—I am not at present prepared with a list of those staff appointments that I would abolish; but I believe all that can be reduced with propriety are now in the course of reduction.

2174. You have spoken, in the course of your examination, of the different conduct of the European officers towards the natives; in what particulars has their conduct been different?—The great reduction of allowances and emoluments enjoyed by the European officers has deprived them of one of the means of ingratiating themselves with the native soldiers. The diminution of their power and importance, as compared with the civil servants, has damped their ardour and spirit, and produced that indifference that would lead one to suppose they had forgotten that the natives have prejudices to be humoured, affections to be won, and passions to be dreaded.

2175. Then the Committee are to understand that the difference arises more from inability to keep up that attention than from any unwillingness to do it?—I think, if the ability existed, the willingness would not be far behind; but the European officers are unquestionably much depressed, more particularly when they compare their situations with those of their more fortunate brethren of the civil service.

2176. With respect to the different classes of men that are enlisted now to what were formerly, is it impossible to revert to the old method of getting the same description of persons, or does it arise from the general hostility of the natives?—The longer peace exists in India, and the more extensively it extends over the whole of that empire, the more difficulty there will be in getting what the natives call a military class of men; but I have no hesitation myself in saying that we have always got
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and will get good soldiers ; and it is a common saying among the natives of rank, that “ we ” (the Europeans) “ have taught the mean to beat the noble.” We shall always have good troops if we can command their affections and fidelity, which is of much greater importance than any imaginable perfection of discipline.

2177. Does the less inclination to enter our service arise from the greater prosperity of the natives in the civil affairs, more than from want of attachment to the service ?—The attachment to the service would be what it formerly was, if the advantages and importance attending on it were the same. The sepoy is never much imbued with notions of loyalty or attachment to government, and if discharged from our ranks would not hesitate, I think, to take service wherever he could better himself. The history of India shows how much they are attached to popular leaders who win their affections by kindness. There is no reluctance on the part of the sepoys to enter into our service, though I have heard it observed, that we now recruit with more difficulty than we did formerly : this arises from causes that I have before touched on, particularly the abolition of the many privileges attached to our military service : one I will here particularize. Many of our best troops came from the province of Oude, some of them were of good family, and most had some landed property ; they entered our service not for the sake of the pay, but for the sake of the influence that it gave them at the court of their native ruler ; and when oppressed by him or his minister, they appealed to the British authority, which (unjustly) interfered with this independent prince ; but this unjust interference on our part was no doubt very gratifying and profitable to the sepoy.

2178. Is there less attachment subsisting than formerly among the natives towards the Company’s service and to the English ?—I do not imagine that there was ever any strong attachment in the native troops to the Company’s service or to the English in the abstract ; they were attached to particular leaders, to those who had shared in the glory and dangers of war with them, who had viewed their gallantry in the field and rewarded it, who had attended to their prejudices, and who had above all flattered their vanity ; for they are, without any exception, the most gasconading and the vainest race of men I have ever met.

2179. Do you apply that to the Hindoos as well as to the Mussulmen ?—To both, but particularly the latter.

2180. Are you able to speak as to either of the other presidencies of Madras and Bombay in any of these particulars, or do you confine your evidence to Bengal ?—My personal knowledge extends to Bengal alone ; the character of the natives, as far as regards the Mahomedans and Hindoos, is not much varied at the different presidencies.

2181. You think, therefore, that your evidence may be nearly the same, as applicable to the other presidencies as to Bengal ?—As far as regards the Mahomedans and the Hindoos ; but at the other presidencies, particularly Bombay, I am told that many other castes or descriptions of men are enlisted, such as Jews, Parsecs and Pariars, &c., of whose character and opinions I have no personal knowledge.

2182. Do you mean to inform the Committee that there is a personal coolness growing and increasing between the native and European officer ?—I have already given my opinion on this subject, and can only further observe, that an additional cause of estrangement arose from that organization by which officers were removed
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from battalions they knew, and posted to those they were ignorant of. The knowledge of the native language has also not been sufficiently attended to; and until Sir Edward Paget issued an order directing that all officers soliciting the situation of interpreter to battalions should have a knowledge of the native language, and undergo certain examinations, few holding such appointments have thus qualified.

2183. Is that order now in force?—It is, and every facility should be given by government to officers acquiring a knowledge of the language, nay, it should be made a necessary qualification before an officer was raised to the rank of captain.

2184. Do you consider that the sepoy officer or soldier is attached to our government by a principle of honour and of loyalty, or merely from considering it the most lucrative employ?—They *talk* a good deal about loyalty and honour; but I think, from an intimate knowledge of the native character, they feel only for their own interest.

2185. What is your opinion of our own native armies in comparison with those under any of the native princes, or under the Mogul empire?—Our own are infinitely superior to any native army that I believe ever existed or fought on the plains of India, and fully capable (if their fidelity and attachment is preserved) to cope with any Asiatic enemies we are likely to encounter *on the plains* of India.

2186. Is the system of discipline that we pursue agreeable to the habits of the natives?—It was rather against their habits, but they have assimilated to it; in some instances, however, we have pushed it too far, and have lost more substantial advantages by so doing.

2187. Do you think we carried too far the strictness of the European discipline among the native troops?—I think there is sometimes a tendency to carry it too far, but not often.

2188. Would the sepoys prefer, do you think, to enlist on a more irregular system?—Under a more irregular system of discipline we always can get a higher character of men who do not like to submit to the strictness of European tactics and discipline; but the advantages of a higher caste of soldier does not by any means counterbalance the want of discipline.

2189. What is the comparative situation of European officers in India with that of civilians?—Infinitely inferior in every respect; in power, in confidence of the government*, in allowances and emoluments, and in relative rank or precedence in society.

2190. In case of internal disturbance or foreign invasion, might the sepoy troops be depended upon?—In case of foreign invasion, I think they might still be depended on, unless under great reverses at the onset, when artful and flattering overtures from an enemy, and more particularly if a Mahomedan, might be attended with doubtful consequences, unless efficient means are taken to renew the attachment which formerly existed between the sepoy and his officer.

2191. You have said in your evidence that our rule is supported by military supremacy alone, and that our military supremacy depends mainly, if not entirely, on

* An officer commanding a corps has to pay the sum of 20 rupees a month from government to the Cutwal, before two witnesses. A civilian has the disbursement of thousands, without such unjust and degrading suspicion.

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on our native army ; do you think the sepoys are aware of this ?—It is so obvious, that it cannot fail to strike those who consider at all the question. I do not mean to say that there are many who do, but unquestionably all the native independent states, and all the natives of learning with whom I have conversed are fully aware of it.

2192. In the evidence you have given before the Miscellaneous Committee, you have said, that though the natives think favourably of our government, there is not a native of India who would defend it ; and except the mercantile people in Calcutta, perhaps not one who would not desire a change ?—I meant that none of our subjects would rise to defend our government, from a sense of duty, or a consciousness of benefits received, much less from a feeling of sympathy or affection for our rule. The native troops would remain faithful, as long at least as we were victorious, paid them regularly, humoured their prejudices, and treated them with consideration and kindness.

2193. Have the sepoy troops ever given any proofs of their consciousness of our dependence on them ?—I am not aware that one would be justified in attributing to any public act of theirs such an inference.

2194. Do you think there is any danger to our rule from the native army ?—I consider it our only danger, and a very imminent one. The disaffection of the native army will be the cause no doubt of our losing our Eastern empire, as its fidelity is the means by which we retain it.

2195. Have any symptoms of it appeared ?—I have already given in evidence some symptoms which are of public notoriety.

2196. Should there occur any danger, how would it probably arise ?—The greatest danger of this kind might arise from the most frivolous and trifling causes ; at least frivolous and trifling causes would be made the excuse for evincing disaffection to some particular service, which might terminate in general disaffection. The instance of the late mutiny at Barrackpore, and that which formerly occurred at Vellore ; the effect of the sepoy's death in hospital at Bhurtpore, and many other such occurrences, prove the weakness of that bond by which we hold the fidelity of our native army, and how little we can now depend on it, in case of reverses or doubtful conflicts. The most trifling alteration in dress is frequently made an excuse for discontent, and this is artfully worked on by the natives of caste, such as the Brahmins or priests, who never should have been enlisted into our ranks ; for no man who possesses a character superior to that which he can acquire as a soldier, and who, though he may have disgraced himself by the most dastardly cowardice before the enemy, is still venerated by his companions in arms, can be a fit man for the military service.

2197. Are the Brahmins numerous in our army ?—There was a fancy for Brahmins once among the officers in the army, which has, I think, almost entirely ceased, and we are getting rid of them as fast as we can.

2198. The best way, in your opinion, of keeping off the danger is by a strict attention to their habits and customs and religious feelings ?—Undoubtedly ; by this mode, and by a judicious distribution of rewards, both honourable and lucrative, you may secure their fidelity and attachment ; without this, it will rapidly decrease.

2199. What

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2199. What number of European officers are you of opinion should be attached to each regiment of the cavalry, infantry and artillery?—To each regiment of the infantry I would allot one lieutenant-colonel, one major, one captain to each company, and two subalterns; these should not be merely borne on the strength of the regiment, but be efficient battalion officers, with the exception of such as might be absent on furlough or on sick certificate, or on military staff duties.

2200. Then, would you say the same as to the cavalry and artillery?—The artillery I would rather avoid giving an opinion upon, for the cavalry, I should say the same.

2201. Then, from what would you supply the necessary officers for the staff?—The staff on a reduced scale might be borne on corps as supernumeraries, except officers employed on actual military staff duty, such as the adjutant-general's office, quartermaster-general's department, brigade-majors, aides-de-camp to general and other staff officers; in a word, all staff duties connected with the military profession might be filled from the officers of battalions and regiments without diminishing their efficiency.

2202. But those attached to political situations?—Those attached to political situations, to the commissariat, and all duties unconnected with the military profession, should be borne as supernumeraries on corps; and upon the occasion of corps taking the field, such officers should not be allowed to leave their civil duties and reap the advantages of military command. I should here however observe, that the efficiency of a corps does not entirely depend on the number of European officers, but on the means, the disposition and the zeal they possess for gaining the confidence and securing the affections of the troops; and I would rather see five officers with a corps possessing such means, disposition and zeal, than 50 without them.

2203. What is your opinion as to the expediency of the armies of the three presidencies being under one commander-in-chief?—I am not prepared to offer any objection to such a proposition; I think it would be even attended with some advantages; but in any attempt at equalization of allowances, care should be taken not to make the lowest and worst the standard, but rather to improve the situation of those who can now barely live like gentlemen on their pay. Indeed, nothing requires so much the *immediate* attention of the Legislature as to make the situation of battalion officers more comfortable.

2204. Will you favour the Committee with your opinion respecting the army in India becoming a royal army?—This question may be considered in two lights; first, with reference to its effect on the native army; and, secondly, on the European officers. With reference to its effect on the native army, I do not exactly contemplate either any particular advantage or disadvantage from it. The natives might perhaps feel a little more pride in being upon a footing with His Majesty's troops, and being King's soldiers instead of merchants'; but as long as they are treated kindly and paid well, they care little, I believe, for unsubstantial honours. They fought as well and were as attached to the service, when the prevailing idea was that the Company was an old woman, as they do now. With regard to the European officers, the case is different. A body constituted like the Court of Directors, can never inspire that respect or enforce that obedience and subordination necessary for military discipline; and we accordingly find in the European officers of the Indian army a spirit of what is called independence (which in any other army would receive a much harsher appellation),

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pellation), not very compatible with military subordination. The history of India will fully justify this opinion ; and I need only refer to the mutiny in Bengal during Lord Clive's government, to that at Madras, to the disaffection in Bengal in 1794, and more recently during Lord Combermere's command in India, when some memorials were sent to his Lordship in such unmeasured violence of language as to render it necessary to return them : and even the tone of those sent to the Court of Directors was censured by that body. In fact, it is only necessary to observe, that where the officers of an army meet, form committees, appoint delegates, subscribe funds, talk of "rights infringed," "compacts broken," "bad faith" of their rulers, &c., it is idle to talk of military subordination. I am aware that, on all the occasions to which I have referred, the officers had much and just grounds of complaint, and that they still have ; but even when these are removed, the want of respect for the governing body will remain, and produce the effects I have stated. This feeling towards the Court as a governing body is not confined to the military, but pervades all classes of Europeans in India. Now, if the army were transferred to the King, this feeling of the European officers would no longer exist. When I say transferred to the Crown, I do not mean that the rules and ordinances of the Bengal army are to be assimilated to those of His Majesty's forces in Europe : the rule for promotion, for instance, is quite distinct in both services, and I think should remain so ; for although the system of promotion by seniority must be attended by many evils, yet still it is a system founded on abstract principles of justice, and to which the officers have become so wedded, that it could not be altered without manifest disadvantage and discontent.

2205. Will you have the goodness to describe the frontiers on the Bombay and the Madras sides, the nature of the enemy we have to fear, and the description of force by which that enemy is supported ?—The last Pindaree war paralysed the energies of the most powerful enemies on the Madras and Bombay sides of India. Before that war, the Peishwa, not only from being the head of the Mahratta confederacy, but from his wealth, the extent and population of his dominions, their situation, his ability, and his dislike to our government, was one of the principal enemies we had to dread : his power has however been completely reduced. The Rajah of Berar is the next enemy of importance ; but any demonstrations on his part would be checked equally by the troops of Madras, Bombay and Bengal. With the internal state of Madras, and the independent princes occupying the more southern parts of it, and also of Bombay, I have no knowledge but what may be found in books.

2206. Is not the Nizam also an independent power ?—Partly so ; but his troops have been officered by Europeans appointed by government, and his civil administration controlled by a minister nominated by our influence.

2207. It appears that the Madras and Bombay army altogether amount to nearly 94,000 men ; do you think there is any reason for that quantity of force, looking at the native powers by which they are surrounded ?—At the conclusion of the Pindaree war, the political state of India was so completely altered, more particularly with regard to the enemies that could have attacked us at the Madras or Bombay presidencies, that if the army of those presidencies was sufficient to control those states in the plenitude of their power, it must be more than sufficient

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now, provided no decrease has taken place; but I believe considerable reductions have been made.

2208. What is your opinion with regard to the expediency of keeping up irregular troops?—I think the irregular cavalry, particularly the corps commanded by Colonel Skinner, is one of the most efficient branches of our military service *for the purpose for which it is intended*, and saves the regular cavalry many harassing duties in time of war. They are a body of men that I think ought to be encouraged.

2209. How are the irregular corps composed?—They are men hired for a certain sum of money by the month, who furnish their own horses and their own arms.

2210. Their own clothing and accoutrements?—Their clothing and accoutrements are made up after a pattern.

2211. But they find it themselves?—They do.

2212. Now, are those corps officered by European or native officers?—They have an European commanding officer and an adjutant; for the rest, they are officered by natives, who are often men of family and character and property, and who formerly brought into such corps 20 or 30 troopers mounted on horses furnished by them, and who were called bargeers. This system has been abolished, and the most experienced officers consider its abolition as affecting the efficiency of those corps.

2213. Why was it so considered?—It was supposed, and very naturally supposed, that the man who rode another's horse would not care so much to risk that horse's life as if he rode one on which his own bread depended.

2214. With regard to the amount of this irregular force, is there any great amount of irregular force in Bengal?—It has varied at different times; in war the number is increased, and hastily reduced in peace, without much attention either to their feelings or to their future means of support.

2215. Would you think it desirable to increase that description of force during the time of peace?—We cannot afford to increase it without reducing some of our regular cavalry.

2216. And would you think it desirable to do so for the purpose of increasing that force?—The late Commander-in-Chief in India gave it as his opinion that he would rather retain Colonel Skinner's second corps, which government were about to disband, and reduce if necessary a proportion of regular cavalry.

2217. Was Colonel Skinner's corps a fair specimen of the general merits of irregular corps, or was it an unusually good corps?—I think it was unusually good.

2218. Do you think it would be general, and that if you were to increase the irregular corps in Bengal, that the greater part of the force of that description you would raise would be as good as Colonel Skinner's corps?—There are peculiarities in the character of Colonel Skinner that peculiarly qualify him for the command of such corps, qualifications which I do not know any other officer possessed of in the same degree; but I have no doubt that much of the excellence of Colonel Skinner's corps could be attained, and has been attained, by other corps under similar advantages and circumstances. Colonel Gardner commanded a very efficient irregular corps, which volunteered for service against the Burmese, and behaved gallantly under great privations and distress. I do not, however, think it advisable

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to increase that class of men at the expense of our regular corps ; but they may be increased when war breaks out, and should not be too hastily disbanded.

2219. You have said that complaints have arisen in the native army of the interference of the havildar-major in the appointment of non-commissioned officers ; of what nature were those complaints ?—I mentioned only one case, that of the battalion that mutinied at Barrackpore. I do not believe they had any just grounds for such complaint ; and the other complaint, that of being required to go on board ship, was absolutely false ; and both I consider mere pretexts, and that the real cause of mutiny arose from their dislike to go against the Burmese.

2220. Then, from your knowledge of the Indian service, should you say that there was any ground for complaint in the interference of the havildar-major in the appointment of non-commissioned officers ?—I should say not ; non-commissioned officers are appointed fairly, and promoted much in the way that European officers are, that is, by seniority ; hence arises a great feebleness of character and physical incapacity, arising from age and infirmity, in the higher native officers of the service.

2221. Do you think it would be desirable in the enlistment of sepoys to make an arrangement by which their pay should be gradually increased in proportion to their length of service ?—I think it would : anything that can hold out a hope of gradually bettering their situation must have a good effect.

2222. Do the native officers and non-commissioned officers remain in the service unusually long, so as to render it in some way an inconvenience from accruing age and infirmity ?—They do.

2223. Have they not retiring allowances ?—They have retiring allowances.

2224. But not sufficient to induce them to retire ?—There is undoubtedly greater advantage in remaining on full pay, and too much scrupulosity is shown by the invaliding committees.

2225. Do you consider that the native officers might be raised to higher grades than at present in the service ?—That is a point of much controversy among the European officers of the native army : some have proposed to abolish native commissioned officers altogether, whilst others have proposed to give them greater rank and authority. In former times, the native officers had infinitely greater authority and influence, in some cases nearly as much as the European officer, and if we could preserve their fidelity and attachment it would be advantageous, if we cannot, such power given to the natives would be the reverse. Now, I think the chances are that we shall lose their fidelity and attachment, and we should, therefore, be cautious how we increase their military influence and rank ; and though I think some rewards ought to be devised for old, worn-out and deserving native officers, I am not prepared at this moment specifically to say what such rewards should be.

2226. Do you consider it would be advisable to appoint commanders-in-chief in India only from among officers who have served at some time of their military career in India ?—I do not see clearly those advantages which would render it advisable to make that a rule.

Jovis, 19^o die Aprilis, 1832.

The Right Hon. Sir JOHN BYNG in the Chair.

HENRY RUSSELL, Esq. called in and examined.

V.
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2227. You have been some time in India?—I have been 23 years in India.

2228. At what Presidency?—I belonged to the Bengal Presidency; but I was chiefly employed in a political situation within the limits of the Madras army.

2229. When did you leave India?—In the year 1820.

2230. What were the situations you held?—I was originally an Assistant to the Resident at Hyderabad; and I afterwards myself held the situation of Resident for 11 years.

2231. It appears that in your evidence before the Political Sub-Committee, you have said that the greatest danger we have to apprehend in India is from our native army; the Committee are desirous to understand from you more particularly your reasons for so thinking?—My reasons for thinking that the greatest danger we have to apprehend in India is from our native army are, that our military force is the sole and exclusive tenure by which we hold the government, and that the fidelity of the troops of whom that force is composed is necessarily precarious; they are foreigners and mercenaries; they are attached to a government that pays them well, and treats them kindly, and they will generally follow wherever their officers will lead them; but we have no hold upon them, through either national honour or national prejudices, and cannot expect from them what we do from English soldiers fighting for English objects. They are peculiarly susceptible of being practised upon, and may be induced, either by our own mismanagement, or by the artifices of designing persons, to turn against us those very arms which now constitute our only strength.

2232. Will you state what is the particular danger you apprehend, and whether it is increased by any circumstances in our treatment or management of the native force?—We have already had two striking instances to show the nature of that danger, in the agitation among the sepoys in 1806, of which the massacre at Vellore was the principal feature, and in the insubordination of the European officers in 1809. The system which has been pursued towards both those branches of our army has been essentially erroneous: their vital importance to the very existence of our power has not been sufficiently considered. Towards the European officers a short-sighted system of economy has been prosecuted, injurious in the first instance to the army, and in its consequences to the government; and with respect to the sepoys, much of that care which ought to have been bestowed on securing their attachment, and improving the substance of their efficiency, has been wasted in a frivolous, vexatious attention to outward forms. My personal knowledge is chiefly confined to the troops of the Madras Presidency. When I first went to Hyderabad, 30 years ago, there were at that station six battalions of infantry, and a regiment of cavalry. The command of those corps was, at that

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time, among the best situations that an officer could hold, and it was consequently held by the best officers. An officer commanding a corps was then a person of importance; he had his markets, his commissariat, his artificers, and followers of every description attached to his immediate corps. His allowances were considerable, and enabled him to exercise hospitality towards his officers, and to be liberal to his men. The first of those allowances that was taken away was, I believe, the bazar allowance, consisting of a duty levied on spirituous liquors, tobacco and other intoxicating drugs. This duty, in the general bazar, which belonged to the officer commanding the whole force, produced near 5,000*l.* a year; and in the battalion bazars, which belonged to the commanding officers of corps, about 1,000*l.* The reduction of this allowance was followed by that of the tent contract, and of others of smaller amount, of which I cannot now recollect the particulars; and by degrees the advantages of a command were reduced so low, that no officer would take the command of a corps whose character or pretensions enabled him to procure any other situation. It was in these reductions that the discontent of the army first originated; and in 1803, when the Mahratta war began, that feeling was so strong, that I have no doubt if it had not been diverted by active employment, the same insubordination which showed itself in 1809 would have broken out at that time. The feeling began among the European officers. What may be the case in an European army I cannot say, but in an Indian army it is impossible that discontent can prevail in any great degree, and for any length of time among the officers, without ultimately producing its effect upon the men; though not designedly imparted, it must imperceptibly descend to them. The commanding officers had then lost much of the weight and importance they before enjoyed; they were no longer able to keep up the same appearance, or exercise the same liberality towards their men, and were, consequently, no longer objects of the same consideration in their eyes. A spirit of reciprocal and general dissatisfaction grew up, which loosened the ties that bound the different ranks to one another, as well as to the government. From the beginning of the Mahratta war, the troops were for three years under canvass, they were exposed to unusual hardships, and when they returned to their cantonments, instead of being allowed any indulgence or repose, they were teased and worried with a new, and I must say, a puerile system, which altered everything they had been accustomed to. Their drill was changed, their dress was changed, all the regulations that governed them were changed; everything was to be done in a new and smarter way; and the old sepoys, who had grown grey in the service, had again to undergo the same process that they had passed through when they were recruits. The details of the army had, for the first time in India, fallen into the hands of a school who thought that everything depended on show, and that no sacrifice was too great for the attainment of outward smartness and uniformity. A single specimen of the new orders that were issued at Hyderabad will enable the Committee to estimate the character of the whole code. When any sepoy on guard wanted to retire for a particular purpose, he was to be detained until a certain number had the same occasion, and they were then to be marched down under a naick or corporal, that even the calls of nature might be answered in military order. They were forbidden to wear their marks of caste on parade; their whiskers were to be trimmed in an uniform manner; a leathern cap was to be substituted for the turban they

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they had previously worn; and there was no end to the silly compliances that were required of them. The disgust which such a system as this could not fail to excite is manifest. If any of the alterations enjoined were really worth the importance that was attached to them, they might have been accomplished, if the attempt had been made at any other time, or even at that time, with temper and discretion; but it was the fashion of the day to enforce everything with rigour, and the sepoys were already in a frame of mind ill suited to bear the trials they were exposed to. Advantage was no doubt taken by designing persons, who instilled suspicions into the sepoys that our real intentions went far beyond their dress. They fancied that the prick and brush suspended from their belt bore some resemblance to the cross. The tight drawers reaching to the knee, which they had worn for years, were all at once suspected to be breeches; and the leathern cap was only a step in the process of changing the turban for the hat. Unhappily, we seemed to do everything to give a colour to those suspicions; and in spite of various warnings, we persisted in a course of measures by which we spread a general belief among the sepoys that we intended to compel them to become Christians, and by which they were at length irritated to desperation. It was remarked that the fakcers, a class of religious mendicants, who are very numerous in India, and frequent the stations of the army in particular, were at this time unusually active throughout the country. Some were actuated by religious bigotry, and some, no doubt, were employed by our political enemies; and it was afterwards ascertained that they had been busy in inflaming the alarm and discontent of the sepoys, and spreading the disaffection from one station to another. At Vellore, where only any extreme violence was perpetrated, the sepoys were instigated by some of the members of Tippoo's family who resided there; but they only took advantage of the disaffection; they did not create it; the feeling was universal. It showed itself at the same time at Hyderabad, and at various different and distant stations; and if immediate steps had not been taken to rescind the obnoxious orders, and allay the general irritation, the whole presidency would have partaken of the same calamity that happened at Vellore. It is neither easy, nor is it important, to distinguish the particular incident that produced the explosion. Among the variety of causes that were in action, any single one might have been inadequate to the effect. Discontent and disaffection had been growing for a length of time; by degrees the mine was charged, and any accidental spark was sufficient to inflame the mass.

2233. Will you state whether, in your estimation, the danger that you apprehend is greater or less now than at former periods?—Since that time our treatment of the sepoys has been more judicious; indeed, I am not aware of anything in our present mode of treating them that requires to be changed. Our danger, I apprehend, is greater now than it was before 1806, inasmuch as it would be more easy to revive the same alarm in the minds of the sepoys than if it had never before prevailed; and the sphere of it is enlarged with every extension of our native army. During our wars with Hyder Ally, our sepoys, in addition to other serious privations, were, I believe, a year and a half in arrear of pay. I doubt whether such an arrear now would not produce an insurrection.

2234. Does this danger, in your opinion, arise from feelings peculiar to the army, or common to them with other natives; and does it arise more from the Hindoos
or

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or from the Moslems?—To a certain extent, the feelings from which our danger arises are common to the natives of every part of India, but they prevail more among the Mahomedans than the Hindoos, and more among the Madras than among the Bengal sepoys. The Mahomedans are much more under the influence of religious fanaticism than the Hindoos, and are constitutionally of a more eager and irritable temper. The northern tribes, from which the Bengal sepoys are chiefly drawn, are, both morally and physically, a much finer race than that from which the Madras army is recruited. The Bengal sepoys are born soldiers, the Madras sepoys are taught to be so; and considering what they are in their original condition, it is surprising what their officers contrive to make of them. Among the Bengal sepoys, Hindoos of the better class greatly preponderate. Among the Madras sepoys, there is a much larger proportion of Mahomedans and Hindoos of the lower castes. Mutinies have been of less frequent occurrence among the Bengal than among the Madras sepoys; and even when they have occurred they have been attended with less acrimony and violence.

2235. Can you state whether any symptoms or tendency to this state of things now appear or have lately appeared?—I am not aware that there is any peculiar indication of danger at the present time, or that there is any greater reason to apprehend it now than there must be at all times while we are obliged to rely on one part of the population for the means of keeping the remainder in subjection.

2236. In what way do you think that the danger, such as it is, can best be warded off?—The best means of warding off the danger consist, I apprehend, in a steady, uniform, conciliatory treatment both of the European officers and of the native soldiers. Towards the European officers, the great error that has been committed has been the reduction to so very low a scale of the allowances attached to the actual command of a corps. The allowances of the inferior ranks are necessarily of minor importance. A junior officer is satisfied if he can live creditably on his pay; and as long as the allowances of the commanding officer are liberal, every subaltern feels his interest in them, and knows that, if he lives, he will enjoy them in his turn. I have always thought, and I still think, that it is an object of first-rate importance, in the treatment of the army, to make the post of the command of a corps so advantageous in point of emolument as to render the best officers in the service willing and anxious to hold it. In our treatment of the native soldiers we ought, above all things, to avoid the most remote appearance of a desire to interfere with their religious customs or prejudices, and to hold out to them as many objects of ambition as we can with safety. Horse and palanquin allowances; situations such as that of aide-de-camp to general officers; medals, grants of land, honorary distinctions and privileges of every kind, are eminently useful. They are peculiarly gratifying to the natives themselves, and can be attended with no inconvenience to us.

2237. Will you state to the Committee, with reference again to your evidence before the Political Sub-Committee, why you think the native officers are discontented?—The chief cause of the discontent which I think prevails among the native officers is, that when once they have attained the rank of *soubahdar*, they have, generally speaking, nothing more to look to; having got all that they can get, they have no further inducement to exert themselves; they become first indolent, and the

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then dissatisfied. There ought, as long as possible, to be some higher object kept in their view, to which, by diligence and fidelity, they may still attain. Honorary distinctions, such as I have just spoken of, are one obvious method of attaching them to the service. The employing them more extensively in military command would perhaps have more effect in this way than any other measure. At present no native can reach such a rank in our army as will admit of his commanding an English serjeant. But how far it may be safe to do this is a critical question, and requires most careful consideration. Though it promises advantage, it also threatens danger. There was a native officer on the Madras establishment of the name of Mohammed Yoosuf, who was entrusted, in our early operations, with a considerable independent command, of which he discharged the duties with judgment and fidelity; and if we raise the natives to higher offices in the civil department, it will be difficult to maintain the exclusion of them in the army. But in this as in every other attempt to enlarge the field for the employment of the natives, it must be remembered, that although they are calculated to improve their condition, they are so many steps towards the extinction of our own authority. If we both give the natives power, and teach them how to use it, they will not much longer submit to our control. On this subject there is a preliminary consideration, which I am afraid we overlook. In what character, and for what purpose do we appear in India? If we are to act as mere philanthropists, and to consider only how we can best improve the moral and political condition of the Indian population, we may govern them as we would govern one another; and the sooner we can make them wise enough and strong enough to expel us from the country, the greater will have been our success. If we go as subjects of England, for the extension of English power and the improvement of English interests, a different course must be pursued. We may govern them as justly, and treat them as kindly as we can; it is our interest as well as our duty to do so; but we must retain all substantial power in our own hands, and must remember that, be our objects what they may, the natives of India can never stand upon the same level with ourselves; they must be either above us or below us.

2238. You seem to lament that the allowances of the European officers in the native corps should have been diminished; and you mention the reduction of the bazar allowance; do you, upon the whole, think it would have been desirable to continue that allowance?—I do. I confine my observation exclusively to the officers in the actual command of corps; and though I have no doubt that the reduction of the bazar allowance, of the tent contract, and of other emoluments enjoyed by the army, was supported by specious reasons, and had, in each case, its specific advantages at the time, I think that the ultimate consequences were not sufficiently considered, and that the attachment of the European officers has been weakened, and the efficiency of the army impaired, by measures directed exclusively to economy.

2239. Did not the profit derived from the bazar arise from the consumption of spirits and opium and intoxicating drugs?—It did, and so it does at present; but the profit does not now go to the officers.

2240. To what purpose does the money now go?—To the government. It is assessed through an intermediate process: in the first instance, it was thrown into

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a general fund called the bazar fund, of which the produce was divided periodically among officers of a certain rank throughout the army; but it was perfectly understood at the time that that was only a prefatory measure to a resumption of the duty by the government themselves; and accordingly, at the expiration of I think about two years, it was resumed, and is now received by the government.

2241. While the profit of the bazar was received by the commanding officers of corps, must not that have operated as an inducement with them to encourage the consumption of spirits and opium, and other drugs of that sort?—In point of fact, I think it did not. I do not believe that drunkenness was at all more prevalent then than it has been since. One strong reason why such should not be the case, was, that the conduct of the commanding officer was open to the inspection of the whole body of officers collectively; and such an abuse would not have been suffered by them to prevail to any extent.

2242. Had you any opportunity of observing the state of any military body while the commanding officer received the bazar allowance?—I lived as the only civil servant at a very large military station for about three years while that allowance prevailed.

2243. Did you reside there after it ceased?—I did.

2244. Did you observe any difference?—None whatever.

2245. Since when have you observed that the command of a native corps has ceased to be an object of ambition with the European officers?—If it were necessary to draw any line, I should say that the Mahratta war, the operations connected with which lasted from 1803 to 1806, may be considered as the period of the alteration.

2246. Do you attribute that disinclination to be satisfied with the command of a corps to the reduction of allowances?—Principally.

2247. Have not the staff situations to which officers in the army are eligible very much increased in number?—They have, I believe, in some degree; but those situations, in point of value, are not to be put in competition with what the command of a corps formerly was.

2248. At present are not some of the staff situations so advantageous as to make officers prefer them to the command of a corps?—The reason of the preference I should rather say is, that the command of a corps is so little advantageous. There is no great advantage attached to the staff situations. Military officers, in some cases, hold political situations; that, for instance, of resident at native courts, of which the allowances are considerable; but the military staff situations are attended with very little emolument.

2249. You have spoken of grants of land to native soldiers; have you ever observed that practice prevailing in any part of India?—I have never myself been in the part of India where it has prevailed, but I have understood that in the upper parts of Bengal it was usual formerly, and perhaps still is, to make grants of land to the native officers and sepoy, instead of pensioning them at the expiration of a certain period of service; and I have been told that many prosperous villages were formed of the retired sepoy who had had land so allotted to them.

2250. Should you think it desirable to adopt any such practice more extensively?—I think it is one of the measures that might be adopted with advantage. The great

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great object is to give the native soldier something ulterior to look to, and to make him feel that he has something to lose if he behaves ill.

2251. Then you would make those grants of land in some degree dependent upon the good behaviour of the native soldiers?—Unquestionably.

2252. From your knowledge of the presidency of Madras, do you think there would be any difficulty in allotting portions of land for such a purpose?—I should think none whatever. I should think there are many parts of the territory dependent upon the Madras presidency, where such a practice might be introduced with advantage.

2253. In the case you have mentioned, were the grants of land given to the soldiers as well as to the native officers?—They are given to all persons having served for a certain length of time, and having maintained a certain character, the grant varying in value according to the rank that the individual may have attained before his retiring from the service.

HOLT MACKENZIE, Esq. called in and examined.

2254. You have been for some time in India?—I was in that country about 22 years. *Holt Mackenzie Esq.*

2255. When did you leave India?—I left India about 16 months ago, in December 1830.

2256. At what presidency were you?—In Bengal.

2257. What situation did you hold in India?—For about six years after leaving college, I was attached to the Sudder Court, that is the head court of control and appeal from the provincial courts. During the last 15 years, or nearly so, I held the situation of Secretary to the Government in the territorial department, being for about 20 months of that time in attendance as Secretary upon the late Governor-General, and on special deputation in the Western Provinces. The rest of my term of service was generally spent at Calcutta.

2258. Have you become acquainted with the military force in that presidency?—My duty as territorial secretary compelled me to look to the military force in its relation to finance, with reference of course rather to general results than details.

2259. You have been examined upon that subject before the Finance Committee?—I have.

2260. What is your opinion of the efficiency of the army in the presidency of Bengal?—I suppose from a civilian the Committee will hardly expect any very decided or precise notions upon that subject; I must rather speak from the judgment of others than from my own, for I have never been upon service which required or enabled me to examine closely, or estimate accurately, the qualities of the troops, and therefore my opinions upon the point are derived from intercourse I have had with military fellow-servants, and from those general inquiries which I was naturally led to make, while holding a high office in a government that seems to me to rest in every part of it upon military power, and to be administered essentially in a military spirit.

2261. Will you give the Committee any opinion you have formed with respect to the efficiency of the army?—My impression is, that as far as regards any Indian

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enemy we have to contend with, the native army may be considered to be very efficient; I am not equally confident of their efficiency if placed in any new and unusual position, and exposed to encounter enemies that may possibly come upon us from without. I think the result of the war with the Burmese seems to show, that when brought against enemies superior in physical strength to those with whom they have been accustomed to contend, and required to surmount obstacles of a different kind from what they have been accustomed to surmount, the native troops, however well led, will be found to want resolution and nervous vigour, so as to be inferior to European troops in a degree not ordinarily to be perceived in Indian warfare; consequently, I should apprehend that if they were called upon to meet an European enemy in the north of India, they might fail, partly from the want of physical strength, and partly from the want of moral energy.

2262. Will you give the Committee your opinion as to the temper and attachment of the native troops to the service?—I believe their attachment to the service rests chiefly upon the goodness and regularity of their pay, and the consequent comfort which it secures them. The pay of the sepoy is such as generally to enable them, especially the Hindoos, who are economical in their habits, to save very considerable sums of money. I have had occasion, as territorial secretary, to know, that their remittances to their families are very considerable; and I conceive that our native army is an excellent profession for the class from whom the sepoy is generally taken, the cultivating yeomanry of the country.

2263. What is your opinion of their attachment to the English?—I do not think they have any attachment to the English as a nation; on the contrary, I apprehend that a considerable number of that part which consists of Moslems must generally have a national, or rather I should say a religious, dislike to the English. I have no doubt that in many corps the sepoy has a great deal of personal attachment to their English officers; but that attachment seems to rest rather upon the personal character and conduct of the individual officers than upon anything that may be called an attachment to the nation generally. There is, however, among all the natives, whether in public or private service, a strong feeling of the obligation of fidelity to the person who supports them: and on that ground, I believe the sepoy, so long as they are well paid, will have a strong sense of the duty of being faithful to those who so pay them, to be overcome only by some powerful cause of discontent or excitement.

2264. Then, in your opinion, they are in general faithful and loyal to the service?—Faithful, I should say, certainly; loyalty implies, perhaps, a moral attachment, a little beyond what I conceive to belong to them.

2265. How are they in efficiency as compared with the best native armies under any native princes?—From what I have read of native armies in old times, from the few troops belonging to native princes that I have seen myself, I consider our sepoy as beyond all comparison superior to them, if the comparison be made with those who have not been disciplined by European officers. Gen- speaking, the armies of the native princes were a mere rabble, depending on individual who led them, and ordinarily the death of the individual who led was the destruction of anything like order or discipline. I do not speak of disciplined by Europeans; and I should also exclude the Goorkhas, who are

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very superior in point of physical strength and moral courage to any troops with whom we have had to do. They have a strong feeling of patriotism, with a great deal of personal pride, and are described, indeed, as equalling any troops in the world in the moral qualities of a soldier. In the war with us, indeed, they had the advantage of defending their own mountains; but the small body of irregulars that was employed at Bhurtpore has always been spoken of in the highest terms; and from everything I have heard of the military force of the Goorkha state, it must, I conceive, be excepted from any description of native troops we may call a rabble.

2200. Is the description of sepoys from one particular part of the presidency superior in any respect to those from another part?—I have generally understood that no good men are to be got below Behar. At a place called Boojpore, which lies not far from the frontier towards Benares, there used to be very good troops recruited. The natives of Bengal Proper I consider to be generally unfit for military duty.

2207. Have we any of the Goorkhas in our service?—We had two irregular corps when I was in India, one commanded by Captain Kennedy at Subathoo, and another further to the east; but one, I think, has been disbanded.

2208. What difficulty is there in having a greater number of Goorkhas in our service?—The chief difficulty that immediately occurs to me is this, that I apprehend they are hardly fit for general service in the plains. I should imagine that they would suffer during the hot weather and rains in the low country, being inhabitants of a high land and cold climate. I may, however, mention, that at one time a proposition was submitted to government by Mr. Hodgson, who was then assistant under Mr. Gardiner, the resident at Khatmandoo, for the enlistment of a certain number of Goorkhas. He stated his belief that they would be very glad to take service with us; mentioning as a fact, that the government of the Goorkhas, in time of peace, keep only about 10,000 men embodied; having nearly a similar number out of immediate employment and pay, but brought on the roll by a regular system of succession, so as to keep in training nearly double their proper peace establishment. He inferred, from the difficulty of finding employment under which the military class laboured, and from the envy which they expressed of the superior and constant pay received by our sepoys, that there would be no difficulty in recruiting among them. It is also understood that a considerable number of Goorkhas have taken service with Runjeet Sing, and probably, if it were advisable, we might get recruits from the same quarter.

2209. Have we not a great deal of frontier along the hills in which they could be very usefully employed without detriment to their health?—I imagine the only hillry that would suit in point of climate, is that which we conquered from the chas, and of that there is little frontier requiring defence excepting what lies upon their reserved territories. To the north are mountains covered with eternal snow, a country scarcely passable by troops, and with nothing to feed and upon the frontier which we have to defend against the Goorkhas themselves we could not propose to station troops levied from among them.

Is not Almora a cold country?—The district of Almora is a very cold the east it immediately abuts upon the territories of the Nepaulese.

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2271. Is not the climate of Loodheanah such as the Goorkhas could serve in without detriment to their health?—Loodheanah I believe to be a much more temperate climate than most of our stations in India; but I should still apprehend that it might be too warm for the highlanders.

2272. Would a more irregular system of discipline suit the sepoys better than the strictness in our service?—It does not appear to me that, with respect to the sepoys now recruited, who are generally brought into the service young, the discipline maintained has any essential influence in either distressing the individual or in hindering enlistment; but there are some classes, such as have commonly joined our irregular cavalry especially, and as form a considerable part of the cavalry of native states, who have, I believe, a strong repugnance to the system and strictness of discipline prevailing in the regular army; therefore, as far as it may be an object to recruit from those particular classes, we must, I should imagine, look to the irregular corps. Indeed, I can hardly suppose that any change could be made in the discipline of the regular army that would reconcile to it grown men of some rank in society, with a good deal of family pride and a great deal of Mussulman bigotry, and habituated to an irregular life; whereas the young men, with whom the sepoy corps are generally recruited, soon, I believe, become habituated to the discipline and do not complain of it.

2273. Are you aware whether there has been any change of late years in the temper and feelings of the sepoy troops?—It has generally been stated that the personal attachment between them and their European officers, which I consider to be a great bond of attachment between them and the service, has been very materially diminished of late years.

2274. In what respects, and to what do you attribute that diminution of attachment?—Several causes have been assigned. Among them were the arrangements consequent on the increase and division of regiments, which induced a considerable change of officers from one corps to another, and threw the sepoys under the command of comparative strangers; and many of the European officers themselves, especially senior captains, being unhappy, from the want of promotion and other causes, that unhappiness has led to discontent, and discontent necessarily impairs the kindness and good humour of their demeanour towards the soldiers, and renders them impatient of that attention to the private concerns of the sepoy, his complaints, disputes and difficulties, which goes far to win attachment; for the officers of a native corps have, I believe, a thousand matters to claim attention which scarcely belong to military service in any other country, yet are very essential in maintaining the affection of the troops. Another cause of the alleged change has been stated, which must, however, probably date from a remote period, that formerly the commanding officers of corps were more regarded, and more accustomed to regard themselves, as masters of a family, looking after the wants and entering into the amusements of the men. I believe, too, that the habits and tastes of most of us, and with the rest the habits and tastes of the European officers, have become rather more European, and that there is from that cause also less familiar intercourse between them and their men than there once was.

2275. Have the European officers taken less pains to acquire the language of late years?—I am not able to speak positively to that point; but I am afraid that the language

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language is not generally understood so well as it is desirable that it should be known by the European officers.

2276. Is the language of the country generally so well known as to enable an European officer to converse familiarly with his men, and to understand any application that may be made by them?—I should imagine not; though they can converse with them on mere points of military duty and common business, I apprehend that but few can communicate freely and clearly on many of the questions regarding which the sepoy is likely to wish to consult them.

2277. Have you ever heard, as matter of remark in India, that the European officers are less familiar with the native languages than was formerly the case?—Yes; I have heard it stated that they are much less so than under the old system, when comparatively few of them were attached to native corps. In those days the European officers were generally, I imagine, persons familiar with the languages. Now the number of officers is greater, and they are not selected from any knowledge of the language.

2278. You have stated in your evidence before the Public and Miscellaneous Sub-Committee, that you are of opinion that our dominion in India is supported by our military supremacy alone; are you of opinion that our military supremacy depends mainly upon our native army?—I consider that a large native army is quite essential for maintaining the tranquillity of the country; but I should be very sorry to see its defence and obedience trusted to them, without also a large European force. The vast extent of the country seems to render a large native army indispensable.

2279. Do you consider that there is any danger to our rule from the native army?—I am not aware of any circumstance causing immediate danger, but I think, on general principles, that there is much prospective danger.

2280. You have never observed any symptoms of immediate danger while you were in India?—I have had no opportunity of observing such symptoms.

2281. Would the Goorkha force you have referred to be as cheap as the present sepoy force?—I should think certainly as cheap. I imagine, indeed, they might be cheaper, though I cannot say what terms they might make to induce them to undertake general service; but those employed in the hills, I think, are got at a lower rate than the sepoys in the plains.

2282. Would they not stand the climate as well as Europeans?—I should think not, but I can scarcely venture an opinion. The natives do not seem to stand variety of climate so well as Europeans. The Hindoos especially appear to suffer from their prejudices as to food.

2283. Are the Goorkhas Hindoos?—Yes, they are all Hindoos.

2284. Would they not form a cheap substitution for European forces, if it was necessary at any time to increase that description of force?—I should not consider it safe to rest upon them as a substitute for Europeans.

2285. Have you ever observed that in Bengal particularly it was the practice to make any grants of land in substitution of pensions, as compensation for services to the sepoys upon their retirement?—There was at one time a regular system for granting lands to invalided native officers and soldiers. It prevailed previously to 1793, but was then arranged by Lord Cornwallis, and made a part of the law of Bengal,

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Bengal, the rules being included among the regulations of that year. In the time of Lord Minto, however, the precise year I do not remember, the plan was discontinued. My impression is that it was a popular institution with the army, and, upon the whole, one that should have been kept up.

2286. Do you know upon what grounds it was discontinued?—I do not accurately recollect; but chiefly, I think, in consequence of representations from the police authorities that the invalids and their families were troublesome, and were suspected of harbouring offenders against the public peace.

2287. Were there many villages of that description founded by retired soldiers?—There was a considerable tract of villages which I passed through upon the low country at the foot of the Boglepore Hills upon the banks of the Ganges, which had been waste, having been at one time exposed to the incursions of the hill-men. There were also stations in other districts of Behar.

2288. What was the condition of the villages you passed through?—The people seemed to be exceedingly comfortable and happy.

2289. Were the lands given in perpetuity, or granted for life to the individuals?—The lands were granted to the individual rent-free for his life, and subsequent to his death also for a certain period; after the expiration of which, they then became liable to be assessed with a light quit-rent.

2290. Were those grants ever resumable upon the misbehaviour of the individuals?—There was no such special condition, excepting for failure to cultivate.

2291. Were they given in substitution for pensions, or in addition to retired pensions?—As far as I recollect, a reduced allowance was also given, but not the whole of the retiring pension.

2292. Upon the whole, should you think that some arrangement of that nature would be desirable?—I should think so. It strikes me as a thing which would operate essentially in attaching the sepoys to us; that it would in the course of time open a new source of recruiting, and that from a class of people bred up with peculiar habits and with recollections favourable to our government. The old soldiers whom I have met with in passing through the villages have exhibited their medals, and spoken of the campaigns in which they had served with great appearance of delight and attachment; I have little doubt that the same feeling would extend to their families, who when they became numerous would probably send forth recruits, and would constitute a class of people tracing their origin as it were from ourselves, and being in fact half a British colony.

2293. Would not an arrangement of that sort have incidentally also an economical advantage in diminishing the amount of retired pensions given to the soldiers?—It certainly might have some effect of that kind, but I should not look much to pecuniary advantage. It would be necessary to give them land, which could be easily brought into cultivation, and they would not probably be very economical cultivators. If the Committee wish it, they can easily trace upon the Bengal records the grounds upon which the system was established and discontinued. It was discontinued by a Regulation passed in 1811.

2294. Do you not think it would be very advisable as well as economical for the East India Company to garrison Ceylon with sepoys?—As far as I can venture speak with very imperfect information, I believe there might be considerable saving by such an arrangement.

Martis, 8^o die Maii, 1832.

The Right Hon. Sir JOHN BYNG in the Chair.

General the Hon. Sir EDWARD PAGET called in and examined.

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2295. HAVE you had the command of the army in India for some time?—I had the command of the army for three years or thereabouts. I went there from the government of Ceylon in the winter of 1822, and I left in the winter of 1825, which was the only period I was in India.

2296. Will you be good enough to favour the Committee with your opinion as to the advantage or disadvantage of having the armies of the three presidencies under one Commander-in-chief?—I am very clearly of opinion that there should be but one Commander-in-chief in India; but, at the same time, I am equally of opinion that it would never do to leave the presidencies of Bombay and Madras without an officer high in command, who should have the general superintendence of the particular army of that presidency. Whether the officers in command of those presidencies should be as they now are called, Commanders-in-chief, I am by no means clear; but I think that a lieutenant-general commanding the forces in each of those presidencies, and subject to the power and authority of the chief of all, would be unobjectionable, and perhaps might be attended with advantage.

2297. Will you be good enough to favour the Committee with your opinion as to the expediency of the armies in India being united as a Royal army?—Upon that point I should say, that one very great advantage would certainly result from the armies of India being considered as Royal armies; because it is perfectly impossible for me (called upon to give evidence here) to conceal from this Committee that there is a great spirit of insubordination in the army, at least that I had the opportunity of more particularly seeing, which is the Bengal army. A sort of spirit of independence prevails amongst the officers, which is totally inconsistent with our ideas of military discipline. I had abundant opportunities of seeing it myself, and had the proofs before me of that spirit; and I have reason to think, from what I have subsequently heard of things that have transpired in that country within very late periods, that that spirit is by no means subsiding, but, if possible, becoming worse; and I cannot help thinking that this evil would be remedied by the change proposed. I do not see the possibility (at all events, I am not prepared to point out the means, which would require great management and circumspection,) of assimilating the two services so completely as to put the armies of India upon the same footing as those of the King's regiments. The promotion in the armies of that country proceeds upon a totally different principle from purchase. The Committee are aware that commissions are not sold in that service; it is a seniority service, which certainly has this advantage, that every officer who enters it knows, that if he lives long enough, in a given time he will come to the highest situations in the army; but, on the contrary, it must be observed certainly that in such a debilitating climate as that is, people do not get, for the most part, to the high situations with-

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out having such impaired constitutions that they are not always at least competent for the situations into which they are thrown.

2298. With reference to the imperfect discipline to which you allude, do you mean to speak generally to the whole or only to the Company's army?—With respect to what I have said, I of course have limited myself to the officers of the Company's service. I have never had any cause to object to officers of the King's regiments.

2299. During the time that you held the command in India, was any representation made to you respecting the rate of exchange at which the rupee is paid to the soldier, and at which he gains credit for it?—I am not prepared to say that any positive representation was made to me with a view of my taking it up; but this I am prepared to state to the Committee, that the thing came in a variety of shapes to my knowledge, and that it was a source of a great deal of discontent and dissatisfaction.

2300. Are you aware that the officers and men experience any serious loss from it?—Decidedly they do. I forget exactly at this moment what the term made use of by the sepoy is for the reduction that is made; but it is expressed by our word *cut*; that pay is cut, I think the expression is. At the end of every month, when the payments are made, there is a certain something deducted; I really am not competent at this moment to state very precisely what it is.

2301. It is however a regulation that has been for a long period existing?—Certainly; I do not apprehend that it is any recent innovation.

2302. Had you, during the time you held the command there, any reason to find fault with the horses; to consider the horses purchased for the service as unequal to the duties required of them?—No; I cannot say that I am aware that that was a point that ever came to my notice; one thing I very distinctly recollect with reference to horses, though perhaps it is not in reference to the question proposed, which is this, that very shortly after I arrived in that country I strongly urged the advantage that would result from having a portion at least of our artillery drawn by horses instead of bullocks. I made the representation; I believe it was sent home, but I am not aware that it was carried into execution. I gave my reasons at the time for it, and they of course are on record, though I cannot at this moment state precisely what they were.

2303. Do you consider that the horses for the artillery service are in general adequate to the duty required of them?—With respect to the horse artillery, I should distinctly say, that in every thing connected with that corps, nothing can be more respectable than they are, both as to equipment of horses and every thing connected with that branch of the artillery service; but with respect to the foot artillery, they are altogether, I believe, drawn by bullocks; they were at least in my time.

2304. Will you favour the Committee with your opinion as to the horses purchased for the cavalry service?—From what I saw of them, I considered them very fair, good horses; they certainly ought to be; for I believe that the expense of the breeding of horses for the use of the cavalry of that country is very great.

2305. Are the various articles which are furnished to the army in India, equal to those which the army in Europe are furnished with; with respect to clothing, accoutrements

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accoutrements and equipments?—I should think they were inferior, upon the whole.

2306. Are they so materially inferior as to require revision and attention to them?—I am not prepared to say that they are; I certainly, when I went there, found the army dressed in the most slovenly manner imaginable, and I took great pains to endeavour to have their clothing better fitted to them than I found it; and I believe I succeeded. Whether they are gone back to the old habit I do not know. I beg, however, distinctly to be understood in stating, that it is not that any alteration whatever was suggested by me with respect to their clothing; merely the fitting them better.

2307. With respect to the accoutrements, which is very material, are they of a sufficiently good quality?—I should say that the accoutrements, for the most part, were very fair accoutrements. I do not think that they are precisely what the regiments have that do service in Europe, that is not a thing taken into account in what I am stating; but I think upon the whole they are perfectly serviceable. If I was to make any observation with respect to their equipment, I should certainly say, that I do not think their arms are of the best description. I do not think their arms are equal to our own.

2308. Are the different articles of stores at the three different presidencies of the same quality?—I am not prepared to answer that question; I take it for granted that they are.

2309. Supposing the presidency of Bengal wish to draw upon Madras, they having a superfluity while there was a deficiency at Bengal, would the ammunition be of the same quality?—I am not prepared to answer that question; this I am prepared to say, that as far as I had any means of knowing the fact, I believe the stores generally sent out were good; this must always be taken into account, however, that from the very nature of the climate, stores will deteriorate. I remember distinctly having an inspection of artillery at Dumdum, where we made our great trials of the Congreve rocket, and it is astonishing how many of them failed, but from certainly no other cause than that of the climate having that effect upon them; and it became, I remember, a question at the time, whether we should adopt the making of them, if we could get exactly at the secret, in that country, for the manufacture of gunpowder is excellent.

2310. Are you of opinion that the sepoy is equally efficient for the artillery service as the European?—That question is very easily answered, by saying that I do not consider anything equal to the European, and especially to the British soldier; the Golondauze are an admirable corps, and I believe in all times have stood forth in the most exemplary and courageous way, have stood to their guns, I have heard of times without end, in a way to be cut down by those who assaulted them; that is what I ever heard of them, and certainly what I saw of them gave me the best possible opinion of the individuals composing the corps.

2311. It appears to the Committee that there are a great number of detachments at each of the presidencies; are you of opinion that it would be possible to reduce them in number, so that a corresponding reduction of the officers on the staff might be made?—I have no doubt that you might reduce the number of stations where detachments are placed; but when I say this, I beg also to say that it is not

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a reduction of numerical force which I contemplate; but any reductions of small stations, by which you might increase the force of the stations which furnish the detachments, would I think be an advantageous arrangement, and in some degree tend to a diminution of the staff, but not very materially.

2312. Do you conceive that it would be a beneficial alteration to make the brigade-majors of line, staff and other officers of that description at the particular cantonments, which are relieved every three years, give up those offices when their corps go away, and select officers to fill those situations from the newly-arrived corps, inasmuch as it would keep the former officers along with their corps, and ready to answer any call of a sudden emergency, and also as it would make a change in those appointments which would be beneficial to the general life and spirit of the army, instead of their being fixed?—In answer to that question, I think I am bound to say, that one of the most objectionable points that I observed in the system of Bengal (I will not presume to offer an opinion with respect to the state of things in the other presidencies), was the way in which officers were taken from their corps to fill up all sorts of situations, not at all confined to those of the military staff. I allude to a great number of civil appointments in addition to the military, and which to my mind is most objectionable. One of the things which makes it so objectionable, is this, and I am sure the Committee will at once enter into the effect it must produce upon the minds of young men coming to that country. Here (in Europe) when a young man is put into a regiment, his regimental feelings are uppermost with him, though he may be looking forward perhaps in process of time to advancement to the staff; but from the instant a young man arrives in India all his thoughts seem to be directed to how, instead of being with his regiment, he is to get away from it, in order to better his condition; because the situation of a regimental officer is irksome to him, and he knows that he would be pecuniarily benefited by holding a staff appointment. I have not the least doubt that the arrangement suggested by the question would be an advantage; that instead of an officer being considered as permanently fixed, as long as he lives in that country, to a station, much benefit would result to the army by his not becoming a fixture, but liable by regulation to return to his regiment, either upon his corps quitting the station where he holds his staff appointment, or upon the arrival of a new general officer to command the station.

2313. It has appeared to the Committee that there is a good deal of inconvenience attributable to the number of officers engaged on the staff and in civil employments, and by which means some regiments are left almost without officers?—I do assure the Committee, that on the occasion of my making a tour of inspection in that country, I saw by much the largest portion of the infantry in the Bengal presidency, and there were instances in which I did not find more than three, four or five officers with their corps. Now I hold this to be a fact, namely, that the establishment of officers in the Company's service is too low to set out with. I think they have only one captain to two companies, that is five captains to a regiment; which is, as the Committee are aware, just half of what the King's regiments have. The proportion of subalterns is also smaller than I think it ought to be, even supposing it to be efficient. Then granting, for the sake of argument, that it is the fact, that the establishment of regimental officers is too small already, what is it likely

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Gen. Hon.
Sir Edward Paget.

likely to be when all these numerous civil and staff appointments are to be extracted from that establishment?

2314. Was there any order issued during the time you were in command of the Bengal army, as to limiting the number of officers on the staff?—I have some faint recollection of the thing, but I confess that my memory does not distinctly carry me back to it.

2315. While you were in command of the army in Bengal, did it appear to you that the proportion of King's troops to the Company's troops was such as it ought to be?—My opinion is that the more King's troops you can have in all the presidencies, the better. The great drawback however to this is, that the expense of them certainly is very much greater than the expense of the other troops, and you cannot employ them in all the services in which the sepoy troops are engaged.

2316. Upon the whole, are you of opinion, that taking into account both the King's and the Company's troops in India, the army is an efficient one, and sufficiently so for the services to which it is likely to be exposed?—I need say nothing about the King's army; but with respect to the other, I am very decidedly of opinion that they are not only perfectly equal to contend on the plains of India with the forces of any or all of the native powers of Hindostan, but I should conclude from all I have ever heard, that they are very superior to them.

2317. Do you think that it would be desirable that Company's officers holding the rank of general officers, should be allowed to serve indifferently in any part of India, at any one of the three presidencies, and not confined to the presidency in which they perform regimental service?—I confess, without having given the subject a thought more than since it has now been mentioned, that I should see no possible objection to it; but as it strikes my mind at this moment, that even advantage might result from it.

2318. By the present regulation, the King's soldiers, when their regiments are ordered home, are not allowed to volunteer into regiments in India should they be beyond the age of 30 years; do you think it would be prudent to extend that period so as allow them to volunteer when they have attained a later period of life?—In answer to that question, I should say, that the army in India generally is not likely to derive benefit from such an alteration, for I must say, with reference to those who in my time were left behind, that they generally were drunken and dissolute people, and anything but what I should like to have as soldiers to depend on.

Jovis, 10^o die Maii, 1832.

The Right Hon. Sir JOHN BYNG in the Chair.

V.

MILITARY

10 May 1832.

Major-Genl.

Sir Lionel Smith.

Major-General Sir LIONEL SMITH called in and examined.

2319. HAVE you served some time in India?—Yes, upwards of 22 years.

2320. In what ranks?—From lieutenant-colonel to major-general.

2321. At what presidency?—Bombay principally: I was away a little while on foreign expeditions, such as the Isle of France, the Gulf of Persia, and services of that kind.

2322. You have served regimentally, as well as on the staff?—I have.

2323. The Committee would be very glad to hear from you your opinion of the Company's native army in the presidency of Bombay; of their efficiency, their discipline and their spirit?—From the experience I have had of them, I have found them very efficient; very much attached to the government, loyal, and well-disciplined; and I should say, in every other respect as well equipped and as well-conditioned an army as I could possibly wish to serve with.

2324. Be good enough to inform us, with respect to the equipment of the Company's troops, how you consider it in comparison with those of the King's troops; the clothing and equipments?—The equipments are very good, quite sufficient; not quite so fine perhaps as the King's troops, nor is it applicable to them; they have not such heavy equipments, the men are lighter and do not require them; they are quite sufficient for any purposes for which they are required; I think they are well adapted to the country. They are not quite so good perhaps as those of the King's service, but perfectly sufficient for the nature of the service.

2325. Are the arms of the Company's troops equal to those of the King's troops?—They are not quite so good; they are lighter. I do not find fault with that; it is very proper that they should be so; but within these few years I think that their locks are very inferior to the King's. I have made a good many reports on the subject. It has been, I think, from accident or some mismanagement here; they used to have very good arms; latterly they have not been so good.

2326. Be good enough to inform the Committee what your opinion is of the horses provided for the artillery service?—They have no horses in the artillery, except the horse artillery; we had a few in Bombay, but Sir John Malcolm reduced them. They are very good; as good as horses of that country can be for the purpose of artillery. They are not the strong, active animals that you have in this country; they cannot gallop away with nine-pounders, but are sufficient for sixes. If they pay attention to get the horses from Persia, there would be no finer horse artillery in the world. They have very fine Arab horses, but those are too expensive in general.

2327. Are the cavalry, both the King's and the native cavalry, well mounted?—The native cavalry are sufficiently mounted, because they are light, and it is easy to mount them. The European cavalry are generally badly mounted; the fault does not lie in that country, the horses are not strong enough for them; the men they
sent

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send out are too heavy, and until you reduce the size of the men you never will have them well mounted. All cavalry officers are fond of having fine tall fellows for soldiers, and the consequence is, the men are too heavy for the horses.

2328. Have you ascertained the difference of weight which the native cavalry soldier rides, and what one of the King's troops rides, when fully accoutred for service?—I used to have the returns, but I do not know that I bear them in my memory. I think a native trooper does not ride above eight or nine stone, equipped with every thing, ten stone at the farthest. In the King's cavalry, the soldier is about four stone heavier compared with the native soldier.

2329. Has any complaint ever come before you, either from officers or men, respecting the rate of allowance at which the rupee is paid, and that of its intrinsic value?—That only applies to European troops. I am perfectly aware of it, and my regiment was perfectly aware of it. I never encouraged it, and if it had been ever represented to the government, I think they would have yielded it immediately; but if it had been pressed, and we had got it, we should have been deprived of advantages very material in that country; for instance, the Company pays for the soldiers' washing, by furnishing them with what are called dobies, which is in that climate a most essential thing; they supply them also with water to keep them from exposure to the sun, and they get their knapsacks gratuitously. The rupee now issued at 2 s. 6 d. is not worth intrinsically more than 1 s. 10 d.; but if you were to make it up to them, so that they would get the full value of their pay, it would go only in drunkenness, besides losing the advantages I have before stated. Many commanding officers have come to me complaining of this, but the moment I showed them the effect of it, they have always continued to keep quiet about it.

2330. Does not considerable inconvenience result from the number of officers required for the staff and civil employments?—Perhaps there has been occasionally a little inconvenience when we were pressed for officers, which arose from different causes, such as very sickly seasons. Generally speaking, considering the hardship of the service and the duration of exile that a poor fellow goes through in that country, I do not think any advantages ought to be taken away from them; they do not want many officers in the native army, except where they go on service.

2331. Do you think any additional number of officers is required for the native regiments?—No; I think that the present establishment of officers is quite sufficient; perhaps it would be better if they paid more attention to encourage commanding officers to remain with their regiments; there has been a great deal of fluctuation from the late alteration in the Company's army in making every battalion a regiment; formerly a regiment consisted of two battalions, and now they have made them all regiments; this got a great number of officers up in the list, who came home to enjoy their off-reckonings, and who are not required to go out again; this injured the army very much at first, but they are getting over it, and I do not believe that there is any want of officers now.

2332. Are there any regulations that you would recommend, which would be conducive to officers remaining in the command of regiments?—I fancy that the Court of Directors consider that they have already adopted that by giving them something more of command money. I think they now get 400 rupees a month, and that is a very handsome provision. If you were to exclude them from the staff

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staff altogether, and hold out nothing to them in that country as the highest reward, but the mere command of a battalion, it would make it much worse, and you would not get any men to stay if they could possibly help it.

2333. Are the present inducements sufficient to induce officers to stay for a proportionate time in the command of their regiments?—I think the present regulations are very good. They do not work so well yet as they will in a little more time, when the army becomes more settled. The arrangement of making every battalion a regiment, had transposed the officers and created a great change.

2334. As you have served in other parts of the world, be good enough to inform the Committee if you think that officers in India have a proportionate pay and allowance, compared with the pay and allowance of officers in other countries?—Not the subaltern in India; I think the subaltern worse off. I have served all over the world, in America, in the West Indies, and in almost every other quarter. The European troops of the Company and the King's are precisely in the same situation; the subalterns of the native troops have a little advantage, but their pay requires to be raised. I think they are very badly off. I commanded a regiment there many years; I was a great economist with my regiment; I had no fine lace or nonsensical dress; and in calculating a pint of wine three times a week, and getting the assistance of the Company's stores to have their uniforms provided 30 or 40 per cent. cheaper than they could buy them at the shops, I brought in each subaltern 15 rupees a month in debt. My regiment was constantly employed, and got full batta, or the subalterns could not have kept out of debt. There is no other rank in India in which officers have not the means of making themselves comfortable, but the subaltern is very badly off.

2335. Are the stores of the three presidencies assimilated sufficiently?—I believe they are; I have no means of speaking positively as to this fact, but I conclude it as a common arrangement that they should be.

2336. Will you be good enough to state your opinion whether you think it desirable that the armies of the three presidencies should be under one Commander-in-chief?—No, I do not; I really do not. I would let well alone; they have always done exceedingly well as they are. I think it is too immense a concern to come under one head.

2337. Are you of opinion that any advantage would be derived from making the Company's army a Royal army?—I should say quite the contrary; you had much better let it alone. I do not think it would ever be so well officered as it is now; when I say well officered, I mean so much attention paid to the education of the young men sent out. I think there is more education in that army now than there is in any army in the world, and I question if the King's government would improve it; I think not.

2338. Do you think sufficient attention is paid to the instruction of the officers of native corps in the language of the country?—Every possible encouragement is given to them, and it is becoming very general; almost every officer qualifies himself, and it is very rare to find a young man who does not study; they all speak it sufficiently well to make themselves understood, and there is no instance of any staff appointments being disposed of, except to officers who have qualified by passing examination.

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2339. Are there any extra advantages you would recommend to be given to native officers, to attach them to the service?—Yes; I think they should be better provided for than they are. I think their retiring pension should be made more comfortable for them, and they should be held up more than they have been; perhaps they are doing it now, but it used to be neglected a good deal.

2340. Would it, in your opinion, be desirable to allow them to rise to a higher rank than they do at present?—I do not see how you could do that without coming in collision with European authority. I think the grades of native rank exceedingly well established, but I would provide for them a little better in their old age; on their retirement I would give them a better provision than they have. It is, I believe, after 40 years' service that they give a native officer his full pay on retirement.

2341. Be good enough to state whether, in your opinion, any benefit would be derived from attaching a native officer to the personal staff of each general officer?—I should think it very proper, exceedingly proper, and very desirable.

2342. Do you conceive it would give great satisfaction?—Yes, I do; it would be giving them a consequence, and taking such notice of them would be very desirable and gratifying.

2343. According to the evidence you have given, one may infer, that with real attention to the wants of the native troops, they are very well disposed to be faithful soldiers?—Certainly, they have always proved themselves such. Wherever they have been well managed, they have never even been beaten. If you put them in front, and expose them to misfortunes beyond their strength and energies, they may fail; but they will always follow Europeans, and will do their duty well when they are well led.

2344. Be good enough to state whether, in your opinion, the measures that have been adopted within the last seven or eight years at Bombay for improving the condition of retired native officers, as well as of augmenting the number of sepoy boys in native corps, has had a tendency to ameliorate that branch of the service, and confirm the attachment of the native army to it?—Mr. Elphinstone made a partial arrangement, which was afterwards enlarged by Sir John Malcolm, of appointing native officers to the command of the hill forts, such as had particularly distinguished themselves in action and for faithful service, which no doubt has had a great influence, and given great satisfaction to the native army; but I do not recollect that the sepoy boys have been augmented, or any general arrangement made for bettering retired officers. I recollect Sir John Malcolm introduced a regulation to allow the boys of native officers an additional pay for education, and that they were not to be liable to corporal punishment: I also consider that exceedingly gratifying to the feelings of the native army. I do not think the number of the sepoy boys was increased; I remember I wanted them to be increased to the Madras establishment. I recollect the arrangement made by Sir John Malcolm, but I do not recollect any increase in the number of the boys.

2345. Have you any farther information you would wish to submit to the Committee with respect to any questions already asked you, or as to anything that may have been omitted?—I have nothing more to state. From every thing I know of the native army, I should say, let it alone.

V.
MILITARY.

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Lt.-Col. Forrest.

Lieutenant-Colonel FORREST called in and examined.

2346. HAVE you served in India?—Yes, a long while ago. I served during the whole of the war with the Mahrattas in 1803 and 1804; and I left India at the latter end of 1813, having gone out as a cadet of 1798.

2347. What situation do you hold under the East-India Company?—Inspector of military stores.

2348. State to the Committee the mode in which the stores are supplied for India?—When demands for military stores and clothing arrive from India, it is the duty of the inspector to arrange them in proper form, showing what the actual wants are, after taking into consideration the supplies that have been already forwarded, but not received, at the date of the indent. It does not however follow that the quantities which appear to be wanted are to be provided; in many instances the inspector must use his discretion, and avail himself of his military knowledge in recommending to the Court that certain parts of the demand should be altogether withheld, or limited in quantity, till explanation shall have been received upon points to which the attention of the government in India is called. In the execution of this part of his duty, in which there is considerable responsibility, the inspector considers it advisable in many instances to communicate with officers of rank in the Company's service at home, as well as with the authorities at Woolwich. There is thus a check upon the quantity of stores to be provided, and there is an effectual check upon the quality, the whole of the stores of every description being subjected to the rigid inspection of competent persons employed in this department. Patterns of the best description are submitted to the parties before tendering their prices, and no deviation is afterwards admitted. I should observe that these demands, after being approved by the Court, are referred to the Committee of Buying and Warehouses, who direct the purchases.

2349. How are the contracts made?—Whatever the article may be, there are certain clauses in the contract.

2350. Are they by public or private contract?—By public contract, generally; but small-arms, and some other articles of store, are purchased from established tradesmen of the Company, under the same regulation as contracts. The prices of articles so purchased are examined and checked in this department before the stores are ordered.

2351. What examination takes place?—They all come into store for examination, and to each branch there is a regular tradesman, a salaried man, belonging to the Company, who is a judge of the material and workmanship in each trade.

2352. Have there ever been any complaints from India?—Few or none; in fact so few in number have they been lately, that if you will allow me, I will read an extract from the letter of one of the most rigid men in India; it is an extract from the minutes of the military board in Calcutta, dated 20 October 1829: "It appears to me that the board possess ample documents in their office for replying to the fourth paragraph of the letter under consideration, if they were read and attended to; all military stores (with a few exceptions too insignificant to mention) are received from the Honourable the Court of Directors in their own ships, and generally arrive in the highest order. Previously to their being received into the
arsenal.

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Lt.-Col. Forrest.

arsenal, they are inspected by the principal commissary of ordnance, and his establishment, as also by a committee of officers specially appointed for that purpose, and relieved annually. The stores of late years have been generally found of the first quality, the packing has been excellent, and the damage received on board ship very inconsiderable. The large and expensive depôt of stores in the arsenal may therefore be safely pronounced to be of the most efficient description."

2353. With respect to the arms, it appears from the evidence given that they are considered rather inferior to those of the King's troops; what inspection takes place of them previous to their being sent out?—The component parts of the musket, namely, the barrel, lock, bayonet, ramrod, and brass mountings, are provided from tradesmen at Birmingham, and are sent to the military store, where they are examined by proper inspectors or viewers, the barrel being proved at the proof-house belonging to the Gun-makers' Company; these materials being marked with the Company's mark, are delivered to certain gun-makers in London, who put them together, providing the stock, browning the barrel, and in short making them into finished muskets. They are viewed in the process of being set up, and are further subjected to a minute inspection in the finished state before they are finally taken to account. I would beg to remark, that in my opinion no arms can be better got up than those provided for the Company's service, and that they are in fact superior to those in His Majesty's service. In the year 1826 a complaint was made from Bombay by an officer in the King's service, of the quality of some muskets; in consequence of which I requested the Court of Directors to appoint a committee of experienced officers to examine the arms in store; a copy of their report I beg leave to hand in.

2354. Who is the last inspection by?—By the head viewer of the Company, called the Examiner of Small Arms.

2355. The Committee wish to ask you whether you do not think it would be satisfactory to this department of the Company that a committee of officers, including both King's and Company's, should attend at the final inspection of arms before they were transmitted to India?—Nothing would give me greater pleasure than to have an inspection by any officers, either King's or Company's.

PAPER presented to the Committee by *J. C. Melvill*, Esq., on the 9th April 1832, and referred to in his Answer to Question 2140, p. 202.

KING'S TROOPS IN INDIA.

ARRANGEMENT for settling the CLAIMS of the Public in respect of KING'S TROOPS employed in India.

V.
MILITARY.

Mr. Melvill's
Paper.

King's Troops
employed in India.

REPORT upon the Account of the Claims of the Public upon the *East India Company*, in respect of His Majesty's Forces employed in *India*.

To the Lords Commissioners of His Majesty's Treasury.

MY LORDS,

London, 18 June 1824.

IN pursuance of the arrangement which in the month of July 1823 was made between your Lordships' Board and the Court of Directors of the East India Company, we were directed to examine together the accounts of the claims of the public upon the East India Company, in respect of the King's troops employed in India, and to report our opinion jointly, if we agreed, and severally, if we did not agree, as to the sum which the East India Company ought to pay over periodically to the Paymaster-general of the Forces, for these expenses, according to the number and description of His Majesty's troops employed in India.

In proceeding to discharge the duty thus confided to us, we adverted particularly to the Act of the 33 Geo. 3, c. 52, s. 128, which provides, "that all sums issued by the Paymaster-general, for and on account of His Majesty's forces serving in India, or for raising, and supplying recruits for the same, shall be repaid by the Company, and that the actual expenses only for the support and maintenance of the said troops shall be borne and defrayed by the Company."

We find that the practice under that enactment has been for the Paymaster-general to transmit annually to the Company a statement of sums issued by him within the year for the several regiments serving in India, under the heads of Pay, Clothing, Passage-money, and Recruiting.

Objections to these statements have at various times been taken by the Company, principally upon the ground that no details of the expenditure were furnished; and on reference to the Reports of the Select Committee of the House of Commons on East India Affairs, which sat in the years 1805 and 1808, it will be seen that those objections were particularly noticed therein, and that the Committee of 1808 were so forcibly impressed with the difficulty of adjusting the demands of the Paymaster-general, that they stated, "that they had no hesitation in suggesting the expediency of repealing the clause in the Act of 1793, and substituting other provisions which might simplify the mode of stating the account, and consequently facilitate its frequent and early adjustment, and at the same time secure to the public an equitable compensation for that portion of its military expenditure."

No step was taken by Parliament in consequence of this suggestion of the Committee. The demands have been stated from year to year upon the system already explained, and have been considered by His Majesty's Government as credits to the public in their general account with the Company. That account, as is known to your Lordships, was not, subsequently to 1793, finally settled upon actual examination and statement, but was compromised upon the terms mentioned in the Act of the 3d year of His present Majesty's reign, c. 93.

It appearing to us to be reasonable that the Company should in future be satisfied of the correctness of charges upon them for expenses of the King's troops serving in India, and

and adverting to the letter from the Court of Directors, dated the 5th June 1823, (in which your Lordships generally concurred), suggesting the necessity of an examination of the details of the expenditure, whether in view to the computation of an average sum to be paid by the Company, or an annual settlement upon actual account, we deemed it necessary to inquire how far the difficulties which had hitherto prevented an investigation of the items of the demand still existed.

It may be necessary to observe, that the principal part of the sums expended for this service are issued by the Paymaster-general, under warrants from the Secretary at War, upon account to officers, who afterwards render their accounts to him; we therefore obtained from the Secretary at War detailed accounts of the expenditure of the year 1821. As the accounts of succeeding years are prepared upon the same principle, it may be proper here to state the nature of these accounts.

They consist of

QUARTERLY ACCOUNTS RENDERED BY THE PAYMASTER OF EACH DISTRICT
AND DEPOT,

stated regimentally, comprehending the name, rank and pay of the non-commissioned officers, privates and recruits of each regiment subsisted or enlisted within the quarter, distinguishing the regiments on the British from those on the India establishment.

In these accounts, which are very voluminous, and which are subjected to a rigid examination and audit at the War-office, now effected with great promptitude, may be traced the progress and expense of every recruit from the date of enlistment to the date of embarkation; and also the progress and expense of every invalid from the date of disembarking to the date of his being pensioned, or otherwise disposed of.

QUARTERLY ACCOUNTS OF THE REGIMENTAL AGENTS,

which comprise issues of pay and allowances to officers, and contingent disbursements. These accounts are audited annually at the War-office: and

• OFF-RECKONING ACCOUNTS,

being the assignments upon which the amounts of off-reckoning are issued to the Colonel. The issue of the money is in this case directed, upon a certificate from the Clothing Board that the clothing for the regiment has been examined and passed.

Accounts (such as those now described) for the year 1821 having, as before stated, been produced, such parts of them as respected regiments upon the East India establishment were minutely examined; and that examination has convinced us that many of the difficulties which have hitherto prevented an adjustment of the demands of the public upon the Company, in respect of the King's troops employed in India, are removed, as the state of the accounts in the War-office, and the period to which they have been finally examined, renders it easy to ascertain the precise amount expended under each head of service, so soon as the principles upon which the charges should be brought against the Company are decided upon.

With a view to that object, we proceed to report our opinions upon the principles involved in the various items of this most important account, premising, that as we have completed our examination of the accounts from the 30th April 1822 (to which period they were closed by the Act. of the 3 Geo. 4, c. 93.) to the 24th December following, we shall be enabled to render a statement of the amount due for that period, so soon as the principles in which we agree shall have been approved, and those in which we differ settled, in communication between your Lordships and the Court of Directors.

We beg leave in the first instance to explain, that a portion of the demands of the Paymaster-general upon the Company arises out of sums expended upon recruits raised for the Company's European forces, it being the practice for the King's District Paymaster to defray that portion of the levy-money for such recruits which is payable in the district of enlistment, and also the charge of their subsistence whilst detained there. We are of

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opinion that the whole of the sums so expended should be defrayed by the Company, and that they should also be subjected to a proportion of the staff charge of the districts in which their recruits are raised, upon a principle which will be explained in a subsequent part of this Report.

EXPENDITURE IN ENGLAND ON ACCOUNT OF HIS MAJESTY'S TROOPS SERVING IN INDIA.

Pay of Officers.—Colonels.

Upon former occasions the charge of the pay of the Colonels has been objected to on the part of the Company, upon the grounds that they have not the benefit of their services, and that those services are always at the disposal of the Crown. We find that the regimental pay of a Colonel forms no part of the remuneration for services which he may render to the Crown, unconnected with his regiment; and that, although the Colonel does not serve with his regiment, yet he has to perform regimental duties in the provision of clothing, &c.

We therefore concur in opinion, that the pay of the Colonels must be regarded as a necessary part of the regimental expense, and that such expense, in the cases of regiments serving in India, is justly chargeable to the Company.

Brevet Officers.

On examining the accounts for the year 1821, and comparing them with accounts received from India, it appeared that pay was charged for a number of Lieutenant-colonels beyond the established complement. Upon an explanation of the ground of this charge, it was found to arise out of the promotion by brevet of officers regimentally Lieutenant-colonels, to the rank of Major-general; whereby the officers promoted ceased to act in a regimental capacity, and other officers were appointed to the rank and pay of Lieutenant-colonel, and to act as such with the regiments. But although these Major-generals were non-effective as to the duties of the regiments, they continued to draw the pay of their regimental rank from the agents of their respective regiments; and thus their pay, so far as respects regiments in India, was charged to the Company. We understand, however, that in consequence of an alteration of the practice, the pay of these general officers from the 25th December 1821 is not included in the regimental accounts, and we concur in opinion, that the Company should not be charged with it; and further, that they should not be called upon to issue King's pay in Great Britain and in India together for a greater number of officers of any regiment than the total of its regular establishment. The only exception from this arrangement, which we are disposed to recommend, is in the event of a reduction of the complement of officers, when His Majesty may be pleased to leave officers *en second* upon the establishment of the regiment, to succeed to vacancies as they may occur.

In this case it appears to us that, provided the regiment be upon the East India establishment when the reduction takes place, the pay of the officers for the period that it may remain upon that establishment would form a proper charge upon the Company.

We are informed that, according to the practice of the service, no officer is appointed to a regiment except upon a vacancy actually ascertained; and that when a vacancy happens in India, the officer upon the spot, who may be appointed *pro tempore* to the rank, is not allowed to receive the regular pay attached to the commission, but only what are denominated "Company's allowances," and that the pay is not issued except to the officer actually commissioned to the vacancy by the Crown. This practice would, therefore, seem to secure the Company against a charge for pay for a greater number of officers than is borne upon the regular establishment of the regiment; should any pay be issued irregularly in India, we do not think that it would afford any ground for the Company's objecting to the payment of that which might be regularly issued in England; and, on the other hand, should pay be issued for a greater number of officers regularly commissioned to the regiments than the established complement, we do not think that the Company should be charged with the excess.

*Pay of Officers belonging to Regiments upon the East-India Establishment, and serving in Staff Situations elsewhere.**Mr. Melhill's
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We observe some cases in which officers belonging to regiments upon the East India establishment are employed in staff situations elsewhere; but as their regimental pay forms no part of their emoluments as staff officers, and as officers belonging to regiments upon the British establishment are occasionally employed in staff situations in India, we consider the charge as admissible against the Company; but upon the distinct understanding that the regimental pay and allowances of officers employed upon the staff in India, and whose regiments are not serving there, shall not be chargeable to the Company, and if issued by them in India, shall form a deduction from the demand upon the Company in England.

King's Troops
employed in India.*Advance of Pay to Regiments on their Return from India.*

According to the practice which at present prevails, an advance of six months' pay is made to regiments upon their embarkation for India, and the whole, or such proportion of the advance as became due from the day of embarkation, is charged against the Company. In like manner a regiment embarking from India, upon its return to Great Britain, or to some of His Majesty's colonies, receives an advance of pay from the Company's treasury in India. It has been suggested on the part of the Company, and we submit it as our opinion, that they are entitled to credit for so much of such advances as shall not have accrued due up to the date of landing; and accordingly, that when claims on this account are preferred by the Company, the amounts, if found accurate upon examination by the officers of the Crown, should be admitted to the credit of the Company.

In reference to the period here recognised, viz. the date of disembarking on return from India, we beg to state, in order to guard against misapprehension, that in a subsequent part of this Report a question will be raised in regard to the period at which the demand upon the Company for regiments relieved from service in India should cease.

Pay and Passage of Officers and Men belonging to Regiments in India, who proceed to India via New South Wales, in charge of Convicts.

We observe that it frequently happens that detachments of recruits raised for the service of regiments in India are sent, in some cases without officers, and in others under the command of officers belonging to such regiments, on board convict ships, to proceed to India by the way of New South Wales, being employed during the voyage as guards upon the convicts. In these cases, the passage of the recruits to New South Wales is borne by the public. The passage-money issued to the officers is charged against the Company, as is the pay of both officers and recruits from the period of embarkation in England, and the passage of both from New South Wales to India is also charged against the Company.

To this practice an objection is taken on the part of the Company, and it is admitted that if the Company are put to greater expense than they would incur by a direct passage, they have a claim to an allowance or abatement of the charge against them upon that account, unless it can be shown that they have an equivalent advantage in some other shape. It is observed, that it often happens that troops are conveyed to India for the Company's service from other stations than from England, and by which the Company are put to less expense than if the troops were conveyed directly from England; and therefore it is suggested, on the part of the Crown, that an equitable arrangement may be made, upon the principle that all troops conveyed circuitously, or from any other place than the United Kingdom, should be conveyed to India at the expense of the public; that their pay to the date of their so landing in India should be issued by the Crown; and that the Company should allow to the public for every officer and man so landed a sum of money equal to the expense which would have been incurred by the Company, for pay and passage, if the officers and men had proceeded direct from England to India, the same to be computed upon average.

It is considered, however, on the part of the Company, that as the voyage between England and New South Wales is solely in the service of the Crown, the Company ought not

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not to incur any charge on that account, and that the simple and equitable principle to be adopted is, that the expense of officers and men proceeding to India *via* New South Wales, or from any other station where they may have been previously employed in the service of the Crown, should be chargeable to the Company only from the date of their embarkation for India.

Pay of Invalids.

It is the practice, when men are sent home from regiments upon foreign service invalided, to detain them in dépôt at Chatham until they pass the Chelsea Board and receive their discharge. The pay of such of these men as return from regiments in India, up to the period of their final discharge, together with any sums issued to them or to their families for travelling allowance, has been charged against the Company. This charge is objected on the part of the Company, upon the ground, that in point of law it is inadmissible, and that in point of equity, the arrangement made by the Act 4 Geo. 4, c. 71, whereby the sum of 60,000*l.* per annum is paid to the Crown by the Company for retiring pay, pensions, and all other expenses of that nature, for or in respect of His Majesty's forces serving, or having served in the East-Indies, has fully absolved the Company from any demand for invalided soldiers after their return to Europe.

On the other hand, it is observed, on the part of the Crown, that every man enlisted is considered as belonging to the regiment in which he enlists until he receives his discharge, which is not given when the man claims a pension, until he has passed the Chelsea Board; that the pay which the men draw while they are at the dépôt at Chatham does not come under either of the descriptions specified in the Act regarding the payment by the Company of 60,000*l.* per annum; that it is purely regimental pay, to which a man is entitled from the day of his enlistment to the day of his discharge, whereas the commutation paid under the Act is for that to which the man is entitled after his discharge; that although the general principle is admitted, that from the time when a regiment debarks from India the charge to the Company ceases, yet the principle as applicable to a regiment does not apply to a detachment of invalids; that from the time a regiment lands its services are disposable in any manner His Majesty may direct, whereas the services of invalids are not so disposable; that they belong to regiments in India, and cannot with any convenience be ordered upon service, even were they capable of performing it; that they continue soldiers, and cannot receive their discharge from the regiment until they have passed the Chelsea Board; and that until so discharged they may be considered as absent from their regiments upon sick leave, and should they recover before they are finally discharged, they would be ordered to return to their regiments.

It is replied, on the part of the Company, that the charge in question decidedly militates against the principle hitherto acknowledged, that the expense to the Company for King's soldiers entirely ceased upon their arrival in the United Kingdom; that although the pay of such men until the period of their discharge may not fall under the denomination of pension, yet the grant of 60,000*l.* per annum was understood by the Company to cover all the charge which accrued to the Crown from allowances of every description to persons having served in India, and to which the Company were not previously liable, and therefore that no charge should be made against the Company on account of the pay of invalids; and further, that although cases may occasionally occur in which men return to their regiments upon recovering from sickness, yet such cases are comparatively very rare, and the occurrence of them cannot afford any reason why the Company should be charged with the pay of invalids who never return to their regiment, and most of whom come home expressly for the purpose of being pensioned, much less with travelling allowances to such invalids and to their families.

*Pay, &c. of Privates belonging to Regiments upon the India Establishment, employed as
Bat-men to Officers not belonging to that Establishment.*

In the accounts which we have examined, a few instances have occurred in which private soldiers, belonging to regiments on the Indian Establishment, are employed as bat-men

to officers not belonging to that establishment, and in consequence of which the men do not join the regiment to which they belong. We are of opinion that the charge of such soldiers should not be brought against the Company, and we take leave to submit that his Royal Highness the Commander-in-Chief should be requested to give directions for the transfer in future of men so situated to regiments upon the British establishment.

Off-Reckoning, or Clothing Allowance.

This allowance is paid under special warrants of the Secretary at War, upon certificates from the Clothing Board that the clothing of the regiment has been examined and passed. The amount of the allowance is governed by certain fixed and defined rates, with reference to the established, and not the actual, strength of the regiment.

We are of opinion, that for the period that the Company may be chargeable with any King's regiment they are justly liable to the amount of clothing allowance paid to the Colonel, under the established regulations of His Majesty's service.

It may be proper, however, to remark, that a question will be raised at the close of this Report as to what part of this allowance for the year 1822 should be considered to have been included in the settlement up to the 30th of April in that year.

Passage-money to Officers.

The cases in which King's officers, proceeding to India or returning from thence, are entitled to be provided with passages at the Company's expense, as well as the amount of the passage-money, are specified in Regulations agreed to between the Secretary at War and the Court of Directors.

The general practice, as to officers in England, is for the Company either to provide a passage for, or to issue the passage-money to the officer entitled to it under those Regulations, upon receiving official intimation from the Commander-in-Chief that such officer has been ordered to proceed to India. Cases have, however, arisen in which the passage-money has been issued, in the first instance, by the Paymaster-general, and in those cases the amount has been stated as a demand against the Company.

We are of opinion that the Company should repay all sums issued on this account, under Regulations already framed, or which may hereafter be framed with their concurrence; but in order to guard against double payments, as well as to satisfy the Company that the cases in which passage-money is granted fall within the scope of those Regulations, we submit that it would be desirable if the practice of issuing the money at once from the Company's Treasury to the parties entitled to it were invariably observed.

Recruiting.

The charge of recruiting comprises levy-money, pay, marching and other allowances, all of which are fixed under defined Regulations applicable to the army at large.

We entertain no doubt, that under the Act of the 33d Geo. 3. c. 52, s. 128, which has been already quoted, the Company are bound to repay to the Crown such charges as may have arisen in respect of recruits raised for, and actually supplied to His Majesty's forces serving in India; but an important question has arisen in the application of that rule, upon which we are unable to agree in opinion.

The point may be thus briefly stated:—When the Crown intends to call home a regiment from India, the recruiting for that regiment proceeds as usual, but the recruits do not go. The question then is, should the expense of raising such recruits, and also that of subsisting them up to the time when the regiment disembarks, be charged to the Company?

The agitation of this question naturally led to the consideration of the liability of the Company to the charge of effecting reliefs; upon which point we beg leave, in the first place, to submit our separate opinions.

Charge of Reliefs.

When the Crown determines to relieve a regiment, the relieved regiment does not quit India until the relieving regiment has arrived; and by the accounts which we have examined,

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mined, it appears to have been the practice to charge the Company with the expense of the relieving regiment from the date of its embarkation for India, and with the expense of the relieved regiment up to the date of its debarkation in Europe.

To this practice it is objected, on the part of the Company, that it is at least doubtful whether, under the existing laws, the Company are chargeable with any part of the expense of effecting reliefs; that although it might have been reasonable to have fixed some rate, when the Act of 33d Geo. 3. c. 52, s. 128, was passed, by which the Company should have been made liable to pay the expense from time to time under defined and proper limits, it does not appear that, as the law stands, they are required to pay any charge arising from what may be considered as a spontaneous act of the Crown; and that, independently of the law of the case, upon principles of equity the charge should be limited to the expense incidental to the reliefs, viz. that of transport; and that the Company should not, for any period, be charged with the ordinary expenses, viz. pay and off-reckonings of both the relieving and relieved regiments.

It is urged, on the part of His Majesty's Government, that when the Acts directing the employment of King's troops in India were passed, it could not have been in the contemplation of Parliament to deprive the Crown of the power of ordering troops to India, and of changing or relieving them as often as the exigency of the public service might require; that if such had been in the contemplation of Parliament, it is not unreasonable to assume that the Crown would have been empowered to raise an army expressly for service in India, which would probably have been raised under different circumstances, and governed by regulations different from those applicable to His Majesty's troops raised for the general service of the empire; that therefore the reliefs are strictly warranted by the arrangement under which the King's troops are employed in India, and that the Company are bound to defray the whole expense consequent thereupon, for Parliament has not, in the Acts under which those troops are so employed, or in any of their subsequent proceedings, contemplated the necessity of making any provision out of the general revenues of the empire towards these expenses; that it is obvious that the expense of transporting regiments to and from India is incurred solely by their employment in the service of the Company; and that during the time they are on shipboard, or in India, they are not in a situation to render any service, as a part of the force of the empire (exclusive of India), which could fairly bring the charge of their maintenance upon the public revenues; and, therefore, that the law has contemplated, and Parliament always acted upon the principle, that the Company are chargeable with the expense of those troops from the day of their embarkation to the day of their relanding in England, or in any colonies belonging to the Crown, in case they should be ordered to be so landed, and placed at the disposal of the officers of the Crown; and that the equitable application of this principle is, that the Company should be charged with the daily rates of pay, and with such proportion of the annual expense, such as off-reckonings, &c. as may be equal to the proportion of the whole year, commencing from the 24th of December, as the regiment may have been in the service of the Company, and that the regiment ought to be considered as in the Company's service from the day of its embarkation for India to the day of its relanding from thence.

To these arguments it is replied, on the part of the Company, that Parliament has sanctioned, or rather made, a contract between the Crown and the Company, by which King's troops, to an extent not exceeding 20,000, may, at the pleasure of His Majesty's Government, be transported to India, and maintained there wholly at the expense of the Company, and that the Company are also bound to pay the expense of raising recruits to proceed to India to supply casualties; but that it forms no part of the contract that the Company should be liable, at the will of the Crown, to the expense of exchanging regiments, much less to the charge of maintaining a double amount of force when such exchanges take place: that the Company fully admits the power of His Majesty's Government to order exchanges as often as it may please, but that the question at issue refers, not to the power, but to the expense occasioned by the exercise of that power; and that it is clear, that if the expense of maintaining two regiments instead of one were chargeable to the

the Company, it would be competent to the Crown, whenever it thought proper, to effect a saving to itself, by making the Company bear the charge, not only of more than 20,000 men (the limit fixed by the law), but of twice the amount of force required or maintained for service in India.

In answer, it is observed, on the part of the Crown, that it cannot be contemplated that the Crown will, for the purpose of transferring an expense from the public to the Company, order exchanges or reliefs unnecessarily; indeed, it has rather been the subject of complaint in Parliament that those reliefs or exchanges have not been sufficiently frequent.

It is conceived that the Act of the 53d Geo. 3, c. 155, s. 87, (the law referred to, limiting the number of men to be employed in India,) was intended to prevent a greater number than 20,000 from being there at any one time, without an express application from the Company, and not to prohibit the Company from paying all the expenses incident to the keeping up that number of men there, among which incidents the expense of relief must be included; but even if it should be held that, under that Act, the Company are not liable to pay for a greater number of men than 20,000, the question of relief would be still open to discussion, because, from the casualties of the service, the establishment of the regiments in India must be far from complete, and therefore if the men in India, on their passage to and from India, and in Great Britain, do not together exceed 20,000 men, the Company would not by that Act be precluded from paying for the reliefs.

To this it is replied, that without presuming to contemplate that the Crown would, for the purpose of transferring an expense from the public to the Company, order reliefs unnecessarily, it is sufficient for the argument on behalf of the Company, that when a relief takes place, either the relieving or the relieved regiment must be considered as a part of the force of the United Kingdom, maintained independently of India, as it never has been, nor can be, contended that the Crown, merely in order that it might effect periodical reliefs of regiments, maintains a larger amount of force for India than its security or immediate service requires: that the idea, that the Company could be subjected to the charge of His Majesty's troops to a greater extent than 20,000 men, at any one time, (unless furnished on the requisition of the Court of Directors,) is entirely new, and at variance, not only with the construction hitherto put upon the law, but with what is conceived to be its plain intent and meaning, viz. that it should not be competent to His Majesty's Government to charge the revenues of India with the maintenance for any time, however short, of more than 20,000 of the King's troops, the amount within that maximum being determinable by His Majesty's Government; neither can it be said that if 20,000, or the number within that limit, be actually present in India, it is necessary that to keep it up the Company should pay for a larger number, because so long as the fresh supply is limited to recruits to fill up casualties the contingency cannot arise; it can, in fact, only occur from the practice of exchanging regiments, and of charging the Company with a double amount of force during the period of the exchange. Whatever may be the policy of exchanges, or the expediency of frequently resorting to this practice, it must still be contended, that it is not just to charge the Company with the maintenance of both regiments for the time occupied in the relief. The charge of transport is not objected to on the part of the Company, although it is thought doubtful whether, strictly speaking, they are by law liable to it; but the charge of the ordinary expenses of both the relieving and relieved regiments is decidedly objected to, it being obvious that one of the regiments must be regarded as a part of the force kept up for the general service of the empire, independently of India.

Recruits raised for Regiments on the India Establishment, who, in consequence of their Regiments being recalled, do not proceed to India.

If it shall be determined that the charge of the relieved regiments shall cease to the Company from the time of their becoming chargeable with the relieving regiments, such determination will settle the question regarding the charge of raising and maintaining recruits for regiments upon the India establishment, but who, in consequence of the expected return of the regiments from India, do not proceed thither.

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It is proper, however, that we should put your Lordships in possession of the principal arguments upon which the propriety of charging the Company with the expense of such recruits is maintained on the part of the Crown, and resisted on the part of the Company.

The propriety of the charge is contended for, on the part of His Majesty's Government, upon the ground that a regiment, at its return from India, is, in most cases, much weaker than when it proceeded thither; that the arrangement by which the Crown lends a certain part of its force to the Company must be considered as a make-good lease, and, consequently, that the Company should repair all casualties up to the period of the regiment's arrival in Europe.

On the other hand, it is contended, on the part of the Company, that the charge is inadmissible, upon the ground that the Crown does not raise regiments expressly for the Company's use, but only lends regiments forming part of the general army; that the Company are not legally chargeable with any expense incurred for levying the regiments which the Crown may determine to send to India; that supposing the Crown to lend a regiment to the Company of 1,000 men, from the time of its embarkation, and during its stay in India, the Company repay all charges incurred in recruiting it, either to that strength, or to any strength which the Crown may think proper. At the expiration of 20 years the regiment returns to England, and its strength is then 400: if that regiment had not gone to India, and the Crown had not recruited it, it would have been totally exhausted at the expiration of the 20 years, and therefore the Crown do, in fact, get the 400 men for which the Company have paid.

To this it is replied, that of the total force kept up by the Crown, a certain part must be held to be maintained expressly for India; and whenever a strong regiment is sent to India, and a weak one is returned, the regiment returned must, to keep the force of the empire complete, be recruited to the strength of that sent to India; and it is conceived that the Company are bound to pay the expense incurred thereby, or, in other words, to return to the Crown the amount of force received from it.

In answer to this it is observed, that the weakness of the relieved regiment at its return, as compared with the relieving regiment, arises principally from the casualties not having been supplied since the exchange was determined upon; and that, as the Company from that period, or rather from the embarkation of the relieving regiment, have to supply its casualties, they ought not to be called upon to supply casualties occurring at the same time in the relieved regiment.

It is also argued, on the part of the Company, that the amount of the force in India varies; that the maximum is 20,000, but that the number within that maximum depends upon His Majesty's Government, who at one period may think 15,000 men necessary, and at another period that 12,000 are sufficient. Suppose, therefore, the force in 1813 to have been 15 regiments, each 1,000 strong; that between that period and 1823 circumstances so altered as to make a reduction of that force desirable, and that such reduction was effected, not by calling home any of the regiments, but by reducing the strength of all of them, that is to say, by recruiting to a reduced strength, could it be possibly contended, that, in such a case, when the regiments come home, the Company should recruit them to 1,000 each? and yet that would seem to be involved in the argument on the part of the Crown.

It is further argued, on behalf of the Company, that it is a certain number of men, and not a certain number of regiments, that the law has authorized should be maintained in India, and that when (as in the case contemplated in the present discussion) the aggregate number of men has been made up of regiments short of their proper complement, it is the fault of the Company; they are, in fact, sufferers by the practice, there being heavy expenses of a regimental nature, (such as the off-reckonings, and the pay of a full complement of officers,) the amount of which is not dependent upon the number of men present with the regiment. That if the Crown lent to the Company a given number of men to serve solely in India, in the same way as the Company's European force, then the Company would, agreeably to the law, defray the whole expense of recruiting to supply casualties, and all the

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the recruits raised would be sent to India. But if, as at present, the Crown think proper periodically to change the regiments, whereby the Company are subjected to a large expense, it is conceived that to subject the Company to a charge for recruiting the relieved regiments is virtually to make them pay for the men of the relieving regiment, with which, it is admitted, they have nothing to do until its embarkation; and also, that as the recruits in question are, from the time of their being raised, employed in rendering service to the public, it is not just that the Company should be charged with their maintenance, they deriving no benefit from those services.

In opposition to these arguments, it is urged, on the part of His Majesty's Government, that the principle upon which His Majesty's troops are employed in India, both by the letter and spirit of the Acts of Parliament, and also by the admissions which have from time to time been made when this subject has been under discussion, is that the whole expense of the troops employed, both direct and contingent, should be borne by the Company.

That the general establishment of the army is increased by the number of men employed in India, and, as there is no reason to suppose that the establishment would be the same whether these men were so employed or not, the whole expense to the public is not borne by the Company, unless they return a regiment in the same state of numbers and efficiency as it was when it entered their service, and which regiment was raised at the expense of the public, and received by the Company in a state of efficiency free of any cost whatever. The Company, during the stay of the regiment in India, send out at their expense recruits, &c. to fill up casualties; but even after these recruits have joined, when it is relieved and returns to England, and even when joined by the recruits raised previously to its landing, but who never went to India, it is not so strong, perhaps by one half, as it was when it embarked, and the public are put to the expense of recruiting the regiment returned to the strength of the regiment sent to India to relieve it, which expense they would not have incurred in case the regiment had not been required by the Company. That if the Company are not and ought not to be called upon to pay the expense of raising troops for service in India, they ought, it is conceived, to restore the regiments in the same state of efficiency as they were in when they took them into their service. If, on the contrary, the Company did pay for raising the regiments sent to India, they ought not to be called upon to complete the regiments upon their return. That, supposing no recruiting was carried on at all for regiments in India, but that they were exchanged as soon as, by reduction of numbers, they became inefficient, and were replaced by complete regiments from the British establishment, raised and disciplined at the expense of the public, could it be contended that this mode of supplying the Company with troops would not be attended by a great expense to Great Britain, and a corresponding saving to the Company, which neither the letter nor spirit of the agreement would justify? That if this be admitted, it must follow that the Company's sending out recruits to India, during the period the regiment is serving there, does not alter the case in principle, but only in degree; it renders it necessary to exchange the regiment less frequently, or renders it less incomplete upon its return; but, when the exchange takes place, the expense to Great Britain is incurred. That the argument, that the regiment, if it had not been sent to India, and not recruited at home for the space of 20 years, would be less strong and less efficient than a regiment returning from India, having, in the mean time, been recruited in the present manner, cannot in any way be made available; unless it be further contended, that the total number of the troops now upon the British and Indian establishments collectively would have been kept up if none of them had been employed in India, whether they were required for the public service or not. If this be contended, it may certainly be said, that the employment of a portion of these troops in India relieved the public from an expense which they would otherwise incur for their maintenance; but as it is well known that these troops would not have been kept up if their services had not been required in India, and that, in addition to the troops in India, as many troops have from time to time been kept up for other services as Parliament thought requisite, it is conceived that this argument does not apply in any manner to relieve the Company,

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Company from their liability to restore the regiments to the public in the same state of efficiency as they were in when they entered their service.

This principle would, indeed, seem to be recognised by the Legislature, for, by the Act 28 Geo. 3, c. 8, s. 1, the Company were charged with the expense of raising, transporting and maintaining the forces to be sent to India; and it is clear that, under this law, the Company would, in the event of a regiment being withdrawn from India, pay for men not used exclusively in their service, and of which they might, therefore, justly complain; but under the Act of the 33d of his late Majesty, the Company are not charged with the expense of raising regiments for service in India, but are charged with the expense of raising and supplying recruits; and under the most extended construction which is contended for on the part of the Crown, viz. that the Company should restore the regiment to the Crown in the same state of strength and efficiency as when they took it into their service, the Company are not and cannot be called upon to defray more than the actual expense incurred by the Crown in replacing the men who die or who are worn out in their service.

In reply, it is submitted, on the part of the Company, that even were the view which the officer of the Crown takes of this subject to be acted upon, it would seem to involve only the charge of raising the recruits, and that the Company cannot in any view be held liable to the further charge of subsisting them for a period in which the Crown employs them, and the Company neither has, nor can have, any benefit from their services; that as respects the charge of levying, the arguments by which it is maintained on the part of the Crown, admit that the Company should not be charged with any expense incurred prior to the embarkation of a regiment to India; and yet that, in effect, this is the point at issue. A regiment goes to India, all the men composing it are worn out during its service there, the casualties are recruited by the Company, and if at its return the Company are subjected to the charge of recruiting it to the strength at which it went to India, surely they in that case pay for the expense of raising the regiment. That the enactments quoted on the part of the Crown, as well as the 31 Geo. 3, c. 10, seem clearly to indicate the intention of the Legislature to relieve the Company from all charge of raising regiments for service in India, and to limit their liability to the actual expenses incurred "for and on account of His Majesty's forces serving in India, and for raising and supplying recruits for the same." That recruits levied for a regiment coming home are not even raised for, much less supplied to, a force serving in India. That unless, therefore, it can be shown, contrary to the admission made on the part of the Crown, and to the plain meaning of the statute, that the Company should pay for raising regiments for service in India, it can hardly be maintained that they ought to be charged with any expense for recruits who do not go to India. That the question has been argued, on behalf of the Crown, upon the abstract ground that the whole expense of the employment of King's troops in India, both direct and contingent, should be borne by the Company; that (independently of the limitation of this charge, fixed by the Legislature to the expense of raising and supplying recruits for His Majesty's forces serving in India) if any such abstract ground be taken on the part of the Crown, the Company are equally entitled to assume on their part, as an abstract ground, that the expense to them, for King's troops serving in India, should not exceed the charge of that number of men within the maximum of 20,000 which the King's Government may think fit to order; that is to say, that if the number fixed be 15,000, or more or less, the Company having once transported them, ought to pay only the charge of maintaining them, and of furnishing recruits to keep up that number; that it is admitted to be possible, that in the present system of periodical exchange of King's regiments serving in India, over which the Company have no control, by paying only for the recruits who go to India, the Company might not pay for the full number of recruits necessary to keep up the force stationed there, and that the difference, if any, would operate as a charge to the Crown in the shape of expense of raising regiments destined for India to relieve others, but that the Crown derives an important advantage, and the Company incur a large expense by the present system of exchanging regiments, which infinitely more than countervails any charge which the Crown may incur for recruits to supply deficiencies in regiments on their return from

from India; for that whenever the Crown sends a regiment to India to relieve a regiment already there, the Company have not only the expense of transport for both regiments, but have also, as explained in a former part of this Report, the charge of maintaining both until the debarkation in Europe of the relieved regiment; that thus it is apparent that the Company in such cases pay for a force not serving in India, but which forms part of the force kept up by the Crown independently of India.

Provisional Battalion.

As in some degree connected with the question thus discussed, we proceed to state, that in the year 1821 a battalion was formed out of the recruits at the depôt at Albany Barracks, consisting of men raised both for the regiments upon the British and upon the Indian establishments. This battalion was employed in garrison duty in the Isle of Wight, and at Portsmouth. The pay of such of the men as belonged to regiments upon the India establishment has been continued as a charge against the Company, in the same manner as the pay was charged previously to the battalion being formed.

In support of this charge, it is stated, on the part of His Majesty's Government, that the expense to the Company is not greater than it would have been if the provisional battalion had not been formed; that the establishment of that battalion is of benefit to the Company, inasmuch as the men get more perfectly acquainted with their regimental duties, and are therefore better soldiers when they join their regiments; that the duty which they are required to perform is garrison duty only; and although their performance of that duty renders the duty of the other regiments in the garrison more easy, yet it by no means follows that this battalion would have been established, or if established, that the recruits of the regiments in India would have joined it, if their pay was to be defrayed by the public, because the expense of 300 or 400 recruits serving with the battalion would be nearly the same as an increased establishment to that extent, while the value of their services (from those services not being available for all times and places) would be very different; in short, that if the men are not detained from India, if the men are not rendered less serviceable to the Company when they join their regiments, and if no extra expense is imposed upon the Company by their employment in the provisional battalion, no valid objection can be urged to the principle of the charge. That such employment must be considered as an improved mode of drill, and that the Commander-in-Chief must and ought to have the power of directing in what manner the recruits shall be disciplined and employed during the time they remain at the depôt.

On the part of the Company, it is freely admitted that the Commander-in-Chief must have the power of directing in what manner the recruits should be disciplined and employed during the time they remain at the depôt; but that the question is, in the event of such employment being in the service of the Crown, who should defray the charge of maintenance? Upon this question it is observed, that most of the recruits belonging to regiments upon the India establishment employed in the provisional battalion were not intended to proceed to India, the regiments being about to be relieved; that to that extent, therefore, the benefit resulting from the improved mode of drill would be experienced by the Crown, and not by the Company; that the employment of these recruits in rendering an actual service to the Crown afforded an example in support of the argument in favour of the Company's being relieved from all charge for recruits who do not go to India; that in respect of such recruits who after serving with the provisional battalion did proceed to India, the Company ought not to pay the whole of their charge for the period of service with that battalion, because the Crown are not entitled to the gratuitous services of troops in the pay of the Company, and therefore, when any services are rendered by such troops to the Crown, the Crown should bear the charge of a portion of their pay.

As connected with the provisional battalion, we observe, that there are a few battalion charges, such as the pay of a Quarter-master, Serjeant-major, &c., which we agree in opinion ought not to be brought against the Company.

We beg leave now to state to your Lordships, that it has been suggested, on the part of the Crown, that if it should be hereafter determined that the Company are bound to restore

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the regiments taken into their service in the same state of strength and efficiency as they were in when embarked for India, it might be desirable, instead of the present practice of charging to the Company the subsistence of the men raised for regiments in India, but who do not proceed thither in consequence of the regiments being about to return, that the Company should be relieved from any detailed charge for recruits for such regiments from the day it may be notified to the Company that the regiments to which they belong are about to be ordered home, and that in lieu of such detailed charge, an account should be taken upon the landing of the regiments of the number of men required to complete them to their strength upon their embarkation, and that the Company should pay to the Crown such a sum of money for each man deficient as would be equal to the levy-money, &c. and to the subsistence of the man during the period it usually requires to render a recruit a disciplined soldier.

The only observations made on the part of the Company upon this suggestion, are, first, that their claim to be relieved from all charge on account of the recruits in question, cannot be relinquished; and, secondly, that were the principle of the suggestion entertained, it is conceived that even in that case the deficiency of men in the relieved regiment to be made good by the Company should be computed with reference to the actual strength at the time of the embarkation of the relieving regiment, instead of at the time of the disembarkation in the United Kingdom of the relieved regiment, the Company being subjected to the charge of recruiting for the relieving regiment from the time of its embarkation.

Transfer of Recruits from Regiments upon the India to Regiments upon the British Establishments.

Instances occasionally arise in which recruits are transferred from regiments upon the British to regiments upon the India establishment, and *vice versa*. From statements which have been produced, it does not appear that there was any material variation in the number of such transfers during the period embraced in our investigation. But if by future accounts it shall appear that there is an important difference between the numbers of men transferred from the one establishment to the other, we are of opinion that a proportionate sum should either be deducted from, or added to the charge against the Company, as the case may be.

Officers, Non-commissioned Officers, and Privates, belonging to Regiments upon the India Establishment, employed in escorting Recruits, Deserters, &c. belonging to Regiments upon the British Establishment.

The charge in respect of these officers and men, when employed in services connected with the British establishment, was, in the first instance, objected to on the part of the Company; but it appearing, upon explanation, that all the officers, non-commissioned officers and privates at the depôts, whether belonging to regiments upon the India or British establishments, take their regular tour of duty, and that officers and men belonging to regiments upon the British establishment are frequently employed in services having reference only to regiments upon the India establishment, we concur in opinion that such a course of proceeding is equally beneficial to both parties, as each occasionally derives assistance from the other, and that, in fact, the charge of each is less than it would probably be were there a complete separation between the duties of the two branches.

Expense of the Staff of the several Districts and Depôts in which Recruits are raised or subsisted, on account of Regiments serving in India.

With regard to the staff expense, it is proposed, on the part of the Crown, that the Company should be charged with such proportion of it as the expenses defrayed within each district and depôt chargeable to the Company, in respect of regiments upon the India establishment, bears to the expenses defrayed by the public within the same district or depôt.

It is admitted, on the part of the Company, that the Crown is entitled to be reimbursed such part of the staff expense as arises *bond fide* out of the troops serving in India; and therefore,

therefore, if the whole expense of the service rendered by the staff is included in the accounts, the principle proposed to be adopted is unobjectionable.

In a former part of this Report it has been stated, that part of the sums chargeable to the Company for recruiting arises out of the charge of men raised for the Company's European forces. The sums so chargeable will of course be included in the computation of the staff charge; but it has been observed, on behalf of the Company, that they also maintain a small staff in the districts of London, North Britain, Dublin and Cork, the expense of which is not included in the accounts rendered to the War Office; and we are of opinion that the expense thus defrayed by the Company should be added to the general charge of the staff of the district, that the proportion to be defrayed by the Crown and the Company respectively should be computed from the total charge, and that the Company should have credit in the settlement for the amount already paid by them for their own staff.

In addition to the charges which we have enumerated, and which are wholly defrayed under the authority of the Secretary at War, there are certain other charges incurred in respect of regiments upon the India establishment which come under the denomination of barrack expenses, forage, and extra price of bread and meat.

Barrack Expenses.

The barrack expenses consist of the allowances of fuel and candles to the men at the depôts, and of the wear and tear of the barrack furniture supplied for their use. As it would be exceedingly difficult to settle the claim for these barrack expenses upon the principle of actual account, we propose to ascertain what may be considered as a fair annual charge for each man so accommodated.

Charge for Forage.

The only charge for forage is for that supplied to the cavalry depôt at Maidstone, which is at present used exclusively as a depôt for regiments upon the India establishment. The forage is supplied by contract, and an account of the actual cost will be rendered.

Extra Price of Bread and Meat.

The troops in Great Britain are entitled to receive three quarters of a pound of meat and one pound of bread per man per day, the cost of which, when the former does not exceed 6*d.* per lb., and the latter 1 $\frac{1}{4}$ *d.* per lb., is provided for by a deduction from the pay of the men; but when the cost is greater than those sums, the extra price is defrayed by the public; and we are of opinion that the Company would be liable to defray that proportion of the expense which might be chargeable in respect of recruits or men belonging to regiments upon the India establishment; but as during the period from the 30th April to the 24th December 1822, the bread and meat supplied to the troops generally cost less than the regulated stoppage, no charge will be brought against the Company on that account for this period.

Before we dismiss the subject of the recruiting charges, we think it proper to observe, that the amount of expenditure for recruits for regiments in India is materially affected by the period of their detention in this country. According to the present practice, the Company acquaint his Royal Highness the Commander-in-Chief when ships are about to be despatched for India, on board of which officers or men belonging to regiments upon the India establishment can be accommodated. Upon receiving this communication, a return is transmitted to the India House of the number of men to be embarked, and which comprises all the men who from their state of discipline are fit for service. It has been suggested, that it might afford some convenience to the Company, if they were furnished, quarterly, with a return from the Adjutant-general of the number of men who may be fit for embarkation, as it would, in some degree, enable them to make previous arrangements for the reception and conveyance of the men; and we submit that his Royal Highness the Commander-in-Chief should be requested to direct the Company to be furnished with such a return.

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As to Sums supposed, on the part of the Company, to be included in the Settlement up to the 30th April 1822.

Before we conclude this Report, we beg leave to bring under consideration a question which has arisen in regard to the construction of the third clause of the Act of the 3d of Geo. 4, c. 93, which provides "that all accounts between the Paymaster-general of His Majesty's Forces and the said Company shall be held to have been finally closed on the 30th day of April 1822."

In preparing statements of the charges to be brought against the Company from the 30th April 1822 to the 24th December 1822, the officer of the Crown has adopted the principle of charging the Company according to the number of days within that period during which the several regiments have been on the India establishment.

It is observed, on the part of the Company, that many of the regimental charges for periods subsequent to the 30th April 1822, actually accrued previously to that date; that some of the off-reckoning accounts are of this description, the Colonels having delivered the clothing, and obtained a vested interest in the clothing allowances previously to the 30th April 1822; that the same observation is applicable to advances of pay for periods subsequent to the 30th April 1822, made previously to that date to officers and men on embarkation for India; that these charges would clearly have formed a part of the account up to the 30th April 1822, had the settlement taken place upon actual accounts instead of by compromise, and, therefore, that the Company are exonerated from the charges in question.

In answer to this objection, it is urged, on the part of the Crown, that the account to the 30th April was settled by compromise, and not upon actual examination, and, therefore, the fact of any sums being included in statements previously delivered, would not prevent the Crown from again bringing forward those sums, provided they were disbursed for services actually performed after that day; for it cannot be intended to be contended, on the part of the Company, that they are relieved from any claim in respect of such sums merely because they were so included, without admitting the principle, that they were liable to be charged with any sums not included in those statements; and a very large portion of the charge incurred prior to the 30th April, for which the Company were liable, was certainly never included in any such statement. The construction put upon the Act, on the part of the Crown, is, that the Company are relieved from any charge whatever incurred prior to the 30th of April 1822, although the expense may have been afterwards defrayed, and that the Company are liable to all the expenses incurred subsequent to the 30th April 1822, although the money for defraying those charges may have been previously issued; indeed the Company, in their letter of the 24th June 1823, observe, that they are aware that the Act of 33 Geo. 3, specifies that the sums issued are to be repaid by the Company; yet as that Act also provides that the Company should bear only the actual expense incurred, it would seem to be impossible finally to adjust the account of any one year, until the actual charge shall have been ascertained by an examination and audit of the sum issued; and therefore, if the account up to the 30th April 1822 had been a final one, and if it had been settled by actual examination, no part of the sums issued previously to the 30th April 1822, to defray services performed after that day, could, upon the principle laid down by the Company, be charged against them. And it seems difficult to contend, that the account to the 30th April 1822 was settled by compromise, upon the principle of actual issue by the Paymaster-general, and that the account from the 30th April 1822 should be settled upon the principle of actual charge; and therefore, in stating the charge against the Company, every payment has been deducted made for services performed before the 30th April 1822, although the expense of those services may have been actually paid subsequently to that period.

In opposition to these arguments, it is considered, on the part of the Company, that all sums for which they were liable on the 30th April 1822, whether or not comprised in any actual statements, were included in the settlement by the Act of the 3 Geo. 4, which expressly declares "that all accounts between the Paymaster-general of His Majesty's Forces and the said Company shall be held to have been closed on the 30th day of April 1822." That the only

only question is, were the sums now in discussion demandable of the Company on that day? That they were so, is clear from the facts, that so far as respects off-reckonings, the clothing was delivered, examined and passed before the 30th April 1822; that from the day of passing the clothing, the regulations of the service vested the right to the clothing allowance in the Colonel; and that as respects advances of pay, such advances being made, agreeably to established rule and practice, upon the embarkation of officers and men, were chargeable to the Company as soon as made, and they would have been subjected to it, whether the parties to whom the pay was issued reached India or died upon the voyage; therefore, that these charges must have been admitted, even if the account had been settled upon actual examination instead of, by compromise, and consequently the settlement has exonerated the Company from further liability to them. That with respect to sums that may have been disbursed subsequently to the 30th of April 1822, for services rendered before that date, it would depend upon the nature of the disbursements whether they could now be admitted as against the Company; that such sums must obviously be of very small amount, the acknowledged practice in the King's service, and which was known to the Company when the settlement was come to, being to pay in advance; that as to the alleged inconsistency of considering the former account, as settled by compromise, upon the principle of actual issue, and of settling the future account upon the principle of actual charge, no prospective arrangements can deprive the Company of the benefit of the past settlement; nor could the possession of that benefit by the Company, to the extent contended for, give to the Crown the least possible claim to receive from the Company, at any future period, any sum beyond the actual expenses incurred, according to the principle now proposed to be adopted.

We have now detailed to your Lordships the nature of the accounts, our joint opinions upon those points in which we concur, and our separate opinions upon other points upon which we do not feel that we should be warranted in coming to any decision without a previous arrangement between your Lordships and the Court of Directors of the East India Company, as the decision which may eventually be come to will (in most of the points) very materially affect the total amount of the demand upon the Company. We have, however, no difficulty in assuring your Lordships, that very shortly after we have received directions upon these points, consequent on such an arrangement, we shall be enabled to submit statements of the charge from 30th April to the 24th December 1822; and we take leave at the same time to observe, that the experience we have had in the investigation of these accounts has satisfied us that the claims of the public upon the Company may be stated and examined hereafter without much difficulty, and we should hope without much delay, upon the principle of an actual account; but that these claims are affected by so many contingencies, and the amount may be varied by so many circumstances, that we should feel great hesitation (at least at present) in suggesting any fixed sum as the proper amount to be paid over by the Company to the Paymaster-general periodically, as an equivalent for the expenditure.

We have the honour to be, my Lords,
Your Lordships' most obedient and very humble Servants,

*W. Hill,
James C. Melville.*

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CORRESPONDENCE relating to the settling the Claims of the Public in respect of
King's Troops employed in India.

LETTER from *J. C. Herries, Esq.* to the Chairman and Deputy Chairman of the
East India Company.

Gentlemen,

Treasury Chambers, 7th August 1824.

I AM commanded by the Lords Commissioners of His Majesty's Treasury to transmit to you (in compliance with your desire to receive it in writing) the following statement of the opinion which they expressed at the conference at Fife House, upon the several points adverted to in the Report of Mr. Hill and Mr. Melvill on the settlement of the account between the East India Company and the public, for the charges of maintaining, transporting and recruiting His Majesty's forces serving in India.

1. My Lords declared their entire assent to each of the propositions in which Mr. Hill and Mr. Melvill concurred in opinion.

2. Upon the first point on which those gentlemen have entertained different views, viz. "the charge for the pay and transport of officers and men belonging to regiments in India who are made to proceed thither by New South Wales, to which place they have charge of convicts," my Lords stated their conviction that the most equitable mode of adjustment would have been that which is suggested in the Report, of charging the Company, in all cases of a circuitous voyage, with the average expense of a direct voyage only. But admitting the force of the objection, on the part of the Company, against the payment of the charge for these men while employed on a public service not directly in the way of their destination, their Lordships stated their willingness to agree, on the part of the Crown, that the pay of the officers and men proceeding to India *viâ* New South Wales, should be charged to the Company only up to the day of the embarkation in England, and that the passage-money of the officers, and the pay of the officers and men during their voyage and their continuance at New South Wales, should be borne by the public; their transport, pay and maintenance being consequently only at the charge of the Company from the date of their embarkation at New South Wales for India.

3. With respect to the "pay of invalids," their Lordships are also of opinion, that, as a question of strict right, the pay of such men is properly a charge upon the East India Company, until they are finally discharged from their regiment. But considering this point in connexion with the agreement between the public and the Company for the payment of the annual sum of 60,000*l.* on account of the pensions and allowances to invalided officers and men, my Lords felt warranted in agreeing that the pay of the non-commissioned officers and men should not be charged against the Company subsequent to the date of their landing at Chatham; but upon the distinct understanding that this principle should upon no account be extended to the officers returning from India upon sick-leave or otherwise, whose pay is to continue to be charged against the Company so long as they actually belong to a regiment upon the Indian establishment; and also upon the understanding, that if any of the men returning as invalids are, from recovery during their voyage or otherwise, subsequently ordered to join their regiments, or to do duty with the recruiting company, the pay of such men, from the date of their landing at Chatham, is not to be charged against the public but against the Company.

4. With respect to the charge of "recruiting" and "charge of reliefs," it appeared to my Lords that the principles upon which these charges were proposed, on the part of the Crown, to be brought against the Company, were so just, that no abatement or compromise of them could be admitted.

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5. With respect to the charge for "recruits raised for regiments on the Indian Establishment, who, in consequence of the regiments being recalled, do not proceed to India," my Lords insisted upon the principle that the Company are bound to restore the regiments employed by them in India in the same state of strength and efficiency as they were in when they entered their service; but in the application of this principle, they proposed the following modifications and restrictions in making the charge against the Company; viz. that the pay, &c. of all recruits raised up to the day when any official orders may be issued from the office of the Commander-in-Chief to recal or withdraw a regiment from India, should be charged to the Company; that from that day the pay of all recruits, when at the depôt or afterwards raised previously to the landing of the regiment in England, should be charged to the public; and that upon the landing of the regiment in England an account should be taken of their strength, and that the Company should pay a fixed sum per man for every one short of the original number embarked with the regiment; the amount so to be paid to be settled with reference to the amount of levy-money and other contingent expenses attending the raising of recruits, together with pay for such a period as, upon ordinary calculation, a recruit may be at drill and unfit to perform the ordinary duties of a soldier; the Company to remain liable to pay all officers, and also all regimental charges, such as off- reckonings, &c. in the same manner as those charges are at present made against them, up to the day of the landing of the regiment in England.

6. With respect to the "provisional battalion," my Lords could not admit that the Company had any claim to abatement on account of the mode in which this battalion is employed, it being manifest that the Company must derive a positive benefit from such an employment of the recruits destined for their service, by which they are prepared for it by a more efficient discipline than the common drill, while unavoidably detained in England. In the case of recruits raised for regiments in India, and which in consequence of their being recalled do not proceed thither, my Lords observed, that all difficulties in respect to this charge would be removed by the adoption of the arrangement before proposed in regard to the payment for men deficient upon the return of regiments from thence.

7. With respect to "sums supposed on the part of the Company to be included in the settlement up to the 30th April 1822," my Lords expressed themselves satisfied that the principle is quite correct upon which this charge has been brought against the Company, which cannot by that mode be charged for any greater expense than has been actually incurred by the Crown from the 30th April 1822, upon any of the heads of expenditure which are ultimately to be borne by the Company.

Having thus conveyed to you the substance of what their Lordships declared to you at Fife House, I am further commanded by my Lords to state, for the information of your Court, that they consider themselves as having made the utmost concession which a due regard to the justice of the case and the interests of the public would allow, in the mode of adjustment which they have proposed for the several matters of account upon which Mr. Hill and Mr. Melvill have differed in opinion,

I have the honour to be, Gentlemen, your most obedient Servant,

(signed) *J. C. Herries.*

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LETTER from J. Dart, Esq. Secretary to the East India Company, to
John Charles Herries, Esq. M. P.

Sir,

East-India House, 2d. September 1824.

THE Chairman and Deputy Chairman of the East India Company having communicated to the Court of Directors your letter, dated the 7th ultimo, stating the opinions formed by the Lords of His Majesty's Treasury upon the several points adverted to in the Report of Mr. Hill and Mr. Melvill on the settlement of the account of the claims of the public upon the Company in respect of His Majesty's forces employed in India, the Court command me to request that you will submit to their Lordships the following observations upon that subject:

The Court concur with the Lords of the Treasury in assenting to each of the propositions in which Mr. Hill and Mr. Melvill have agreed in opinion.

The Court also concur in the view taken by their Lordships of the mode of adjusting the charge for officers and men proceeding to India *via* New South Wales, and the charge for the subsistence of invalids intermediately between their landing in Great Britain and their passing Chelsea Board. The attention shown by their Lordships to the arguments advanced on the part of the Company in respect of those charges has afforded to the Court much gratification.

With regard to the expense of effecting exchanges of regiments serving in India, and of maintaining the relieving and relieved regiments during the period occupied in the relief, it appears to the Court that the most equitable arrangement would have been, that the Company should bear the charge incidental to the relief which clearly arises out of India service, and that as one of the regiments would be maintained by the public as part of the force of Great Britain, without reference to India, the public should bear the ordinary expenses of one, and the Company the ordinary expenses of the other regiment; and the Court would remind their Lordships that this view is in accordance with that which has been taken in respect of the ordinary expenses, either of King's troops upon the India establishment, or Company's troops employed in expeditions undertaken by and at the charge of the Crown, and which expenses it has not been the practice for the Crown ever to allow to the Company, although in that case the regiments were temporarily diverted from the service of the Company, as, in the case of the reliefs, regiments are temporarily diverted from the service of Great Britain.

Nevertheless, considering that the troops employed on the India establishment render no service to the public as a part of the force of the empire, exclusive of India, from the date of their embarkation, and being sincerely desirous that the expense of all services rendered to the British territories in India should be borne wholly by the Company, the Court, waiving the doubts which might possibly be entertained of the Company's liability, under a strict construction of the existing laws, to any part of the expense of effecting reliefs, will feel themselves justified in consenting that the Company shall defray the expense of transporting every relieving regiment from Great Britain, or from any colony between Great Britain and India, at which it may have been serving, and every relieved regiment from India to its destination, either in any colony between Great Britain and India, or in Great Britain; also of maintaining both regiments, from the embarkation of the relieving until the disembarkation of the relieved regiment, it being always understood that the total number of men chargeable upon the Company at any one time shall not exceed the limit prescribed in the Act of the 53 Geo. 3, c. 55, s. 87.

Respecting the charge of recruits raised for regiments on the India establishment, who, in consequence of the recal of the regiments, do not proceed to India, the Court admit, that by the system of reliefs the number of recruits sent to India to supply casualties is considerably less than it would be if that system did not prevail; but as the charge of two regiments instead of one, during the period of a relief, is at least equal to the charge that might be incurred for the recruits who, but for the relief, would have gone to India, the

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Court think that it would not have been unreasonable in them to expect, in lieu of the modification proposed, that if the Company consent to bear the charge of reliefs, the Crown would not press upon the Company the charge of recruits who do not go to India.

Upon the argument of the Lords of the Treasury, "that the Company are bound to re-
-re the regiments employed by them in India in the same state of strength and efficiency
-they were in when they entered the service," the Court must be permitted to observe,
-the doctrine thus advanced is altogether novel; that the idea has never been before sug-
-gested to the Court, either in the frequent recorded discussions relative to the accounts
-between the public and the Company, or by the Select Committees of the House of Com-
-mons of the years 1805 and 1808, to whose attention the expenditure for King's troops
-serving in India was particularly called; and that no recognition whatever of such a claim
-is to be found in the existing laws relating to the employment of King's troops in the Com-
-pany's service.

Upon these grounds the Court conceive that they might resist any charges founded upon the principle contended for in your letter; but the same considerations which have influ-
-enced their decision regarding the expense of reliefs, together with a solicitude to meet (so
-far as their sense of justice to the Company will permit) the views of the Lords of the
-Treasury, have induced the Court to entertain the modified proposal of their Lordships upon
-this point so far as to acquiesce in it, with the following alteration:

Their Lordships propose that the Company should pay a fixed sum per man "for every
-one short of the original number embarked with the regiment."

The Court consider that the utmost that can justly be expected of the Company is, that
-they should pay for as many men as would be sent to India if there were no exchanges of
-regiments; or, in other words, that if at the period of the embarkation of a relieving regi-
-ment its strength should exceed the strength of the relieved regiment when it disembarks,
-the Company should pay for the excess. To this extent the Court are prepared to concur in
-the proposal of the Lords of the Treasury.

That proposal does not include the recruits who may be raised and trained at the time of
-the issue of the official order to recal the regiment to which they belong. They should,
-however, be either included in the arrangement, or the number of them should be added to
-the strength of the regiment in computing the number to be paid for by the Company.

The Court must at the same time submit, that in fixing the amount of the sum per man,
-it should be considered that it not unfrequently happens that regiments sent to India are
-partly composed of raw recruits requiring training when they arrive; and also that the
-number of men in those regiments who have previously served the Crown in other stations
-is generally larger than the number of men who, after serving in India, continue in the
-regiments upon their return to Europe.

With respect to the charge of recruits for the period of their employment in a provi-
-sional battalion, the objection urged to it, on the part of the Company, will in a great degree
-be removed by the arrangement for settling, by a fixed sum, the charge of recruits who do
-not go to India, most of the recruits who serve in the battalion being of that description;
-and although the Court think that the public might be equitably charged with a proportion
-of the expense of such of the recruits as may ultimately go to India for the period of their
-rendering actual service to the Crown at home, yet considering what is stated, as well by
-their Lordships as in the Report of Mr. Hill and Mr. Melvill, respecting the preparation and
-drill of the recruits, the Court will not further press any objection under this head of charge.

Upon the last point adverted to in your letter, viz. the sums considered on the part of the
-Company to be included in the settlement up to the 30th of April 1822, it is apparent, from
-the statement contained in the Report, that some of the charges proposed to be brought
-against the Company accrued previously to that date; and being of opinion, for reasons
-fully detailed in a former correspondence with the Lords of the Treasury upon another subject,
-that any departure from the strict provisions of the Act of the 3 Geo. 4, c. 93; by which the
-accounts between the public and the Company in general, and those relating to the King's
-troops in particular, were finally closed to the 30th April 1822, would raise various claims,

Mr. Melvill's
Paper.

King's Troops
employed in India

and produce a recurrence of the inconvenience and embarrassment which it was a main object of the Act to remove, the Court regret that it is impossible for them to concur in the opinion which their Lordships have expressed upon this point.

I have the honour to be, &c. &c.

(signed) J. Dart, Secy

LETTER from G. Harrison, Esq. to the Chairman and Deputy Chairman of the East India Company.

Gentlemen,

Treasury Chambers, 29th March 1825.

I AM commanded by the Lords Commissioners of His Majesty's Treasury to acquaint you that my Lords having very fully considered your letter of the 2d of September last, in regard to the settlement of the accounts between the public and the East-India Company, in respect of His Majesty's forces employed in India, do not deem it necessary to make any further observations upon those points in which you have expressed concurrence or acquiescence. With respect to the two points upon which you propose modifications or alterations, my Lords have no objection to adopt the following mode for ascertaining the number of men for which you should pay at a fixed rate per man; viz. that the total number of non-commissioned officers and men embarking with regiments for India in the course of every year should be ascertained by returns from the Adjutant-general's office; and that the number of effective non-commissioned officers and men belonging to regiments landing from India within the same period, as well as the number of men belonging to such regiments raised at the Company's expense, and who were at the depôt at the date of the recal of the regiments and did not proceed to India, should be ascertained by similar returns, and that the Company should pay for the difference between those numbers; or if the number of non-commissioned officers and men belonging to regiments landing from India, when joined by the recruits who were at the depôt at the date of the order of recal, should exceed the number of men belonging to regiments embarking for India within the same period, the Company should be allowed the same rate per man for the excess. With respect also to the charges paid prior to the 30th of April 1822, for services performed after that day, my Lords will, upon a consideration of your statement, consent to omit from the charge against the Company any sum so paid, and consequently no charge will be brought against the Company either for services performed before the 30th of April 1822, although the money due for such service were not paid till after that date, or for service performed after the 30th of April 1822, if the expense was actually defrayed before that date.

I am, Gentlemen, your obedient servant,

(signed) Geo. Harrison.

LETTER from J. Dart, Esq. Secretary to the East India Company, to George Harrison, Esq.
&c. &c. &c.

Sir,

East-India House, 7th April 1825.

THE Chairman and Deputy Chairman of the East India Company have communicated to the Court of Directors your letter, dated the 29th ultimo, stating, in reply to that which I had the honour to address to Mr. Harrison, on the 2d of September last, upon the subject of the accounts between the public and the Company in respect of His Majesty's forces employed in India, that with regard to the two points upon which the Court have proposed modifications, the Lords of His Majesty's Treasury agree "that the total number of non-commissioned officers and men embarking with regiments for India in the course of every year

year should be ascertained by returns from the Adjutant-general's office; and that the number of effective non-commissioned officers and men belonging to regiments landing from India within the same period, as well as the number of men belonging to such regiments raised at the Company's expense, and who were at the depôt at the date of the recal of ~~the~~ ^{the} ~~recal~~ ^{ent}, and did not proceed to India, should be ascertained by similar returns, and the Company should pay for the difference between those numbers; or if the number of non-commissioned officers and men belonging to regiments landing from India, when the recruits who were at the depôt at the date of the order of recal, should exceed the number of men belonging to regiments embarking for India within the same period, the Company should be allowed the same rate per man for the excess:" further stating, that upon a consideration of the Court's observations with respect to the charges which accrued prior to the 30th of April 1822, their Lordships have determined that no charge should "be brought against the Company, either for services performed before the 30th of April 1822, although the money due for such service were not paid until after that date, or for service performed after the 30th of April 1822, if the expense was actually defrayed before that date."

The Court command me to signify their acquiescence in these proposed arrangements, and to express their gratification at the attention which the Lords of His Majesty's Treasury have been pleased to pay to the statements and observations of the Court upon the points referred to in your letter.

I am, &c. (signed) J. Dart.

EXTRACT REPORT of Messrs. Hill and Melville upon the Claims of the Paymaster-general, for 1822; dated 11th April 1825.

WE cannot close this Report without again adverting to the terms in which the reference of these accounts was made to us in July 1823, and without stating, that we are confirmed in the observations we made in our former Report as to the difficulty of specifying any precise or particular sum which the East-India Company ought to pay over periodically to the Paymaster-general of the Forces, in respect of the expense of His Majesty's forces employed in India; but from the investigation which these accounts have undergone, and from the principles which have been laid down in regard to the settlement of this claim, we apprehend there will be comparatively little difficulty in settling these claims in future upon the principle of actual account, in the same manner as the claim for the period from the 10th April to the 24th December 1822 has now been stated.

MINUTES OF EVIDENCE

TAKEN BEFORE THE

SELECT COMMITTEE OF THE HOUSE OF COMMONS

ON THE

A F F A I R S

OF

THE EAST-INDIA COMPANY,

FEB. 13th to JULY 17th, 1832.

VI.

Political or Foreign.

LONDON.

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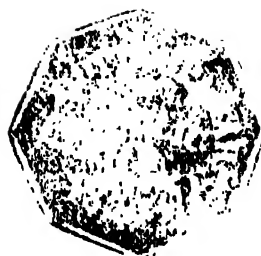
JAN. 1833.

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MINUTES OF EVIDENCE.

Lunæ, 13^o die Februarii, 1832.



The Right Hon. Sir JAMES MACINTOSH, in the Chair.

WILLIAM M'CULLOCH, Esq. called in and examined.

VI.
POLITICAL
or
FOREIGN.

1. WHAT opinion have you formed upon the general nature and character of our subsidiary treaties in India, and of their effect upon the good government of the respective territories to which they relate?—The subsidiary system gives the British Government a more complete command over the military resources of the countries to which it extends, and better security against treacherous combination on the part of the native powers, and popular insurrection on the part of their subjects, than probably could be obtained by any other means; it must, however, be confessed that these advantages are purchased at a considerable (some may be of opinion) too high a price. I cannot so well describe the evils incident to the system, as by the following quotation from a letter, addressed by the late Sir Thomas Munro to the Marquis of Hastings, dated 12th August 1817: "There are many weighty objections to the employment of a subsidiary force.. It has a natural tendency to render the government of every country in which it exists weak and oppressive, to extinguish all honourable feeling among the higher classes of society, and to degrade and impoverish the whole people. The usual remedy of a bad government in India is a quiet revolution in the palace, or a violent one by rebellion or foreign conquest; but the presence of a British force cuts off every chance of remedy, by supporting the prince on the throne against every foreign and domestic enemy. It renders him indolent, by teaching him to trust to strangers for his security, and cruel and avaricious, by showing him that he has nothing to fear from the hatred of his subjects. Whenever the subsidiary system is introduced, unless the reigning prince be a man of great abilities, the country will soon bear the marks of it in decaying villages and decreasing population. This has long been observed in the dominions of the Peishwa and the Nizam, and is now beginning to be seen in Mysore. A subsidiary force would be a most useful establishment if it could be directed solely to the support of our ascendancy, without nourishing all the vices of a bad government: but this seems almost impossible. The only way in which this object has ever in any degree been attained, is by the appointment of a Dewan. This measure is no doubt liable to numerous objections, but still it is the only one by which any amends can be made to the people of the country for the miseries brought upon them by the subsidiary force, in giving stability to a vicious government. The great difficulty is to prevent the prince from counteracting the Dewan,

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and the resident from meddling too much; but when this is avoided, the Dewan may be made a most useful instrument of government. There is, however, another view under which the subsidiary system may be considered, I mean that of its inevitable tendency to bring every native state into which it is introduced, sooner or later, under the exclusive dominion of the British Government. It has already done this completely in the case of the Nabob of the Carnatic, it has made some progress in that of the Peishwa, and the Nizam; and the whole of the territory of these princes will unquestionably suffer the same fate as the Carnatic." Sir Thomas Munro proceeded in that most able and interesting letter to show, with prophetic sagacity, how this result was likely to be brought about, and to state the grounds on which it appeared to him "very questionable whether such a change, either as it regards the natives or ourselves, ought to be desired." To the observations of that excellent man I only beg leave to add, that the multiplicity of perplexing details arising out of the extension of our political relations, has trenchd most seriously upon the time and attention both of the governments in India and of the authorities at home, and have thus tended in no slight degree to divert to foreign interests a large portion of those cares, which might perhaps have been more profitably bestowed on improving the administration of our own territories.

2. Have you any observations of a general nature to add to the answer you have given?—I have only to add, that the policy of introducing a system of that sort, and of retracing our steps after it has been widely established, are very different questions. It may be liable, as I think it is, to all the objections already stated; but if the question be put, what is to be done now, I confess I am unable to give an answer.

3. Do you think it has produced more harm than good?—I think in the countries where it has been introduced the evil preponderates. In Mysore, while Poorneah was at the head of the government, it went on exceedingly well, during the minority of the rajah; but since the death of Poorneah, and the rajah has chosen to take an active part in his own administration, and, in fact, has been acting almost without any minister at all, things have gone on badly. The whole of his treasure, amounting to about 70 lacs of pagodas, that Poorneah left in the treasury, has been squandered; and I believe there has been lately an insurrection in the Mysore territories. But serious as the evils of the system are, it appears to me a matter of almost insuperable difficulty to retrace our steps, because this can only be done with the consent of the other parties to the treaties; and though some of them might not hesitate to give their consent, yet the mischiefs that would ensue would probably be very great, and might throw the whole country into confusion.

4. Would it not in fact be opening the treaties of all those states?—Yes. If there was a question respecting any of them, it would be respecting those with the Rajpoot states. I think it would be easier to dissolve the subsidiary connexion with those states, and that there would be less danger in doing so than there would be in abrogating the treaties with the small states in Central India, for in the latter case, I am satisfied those states would fall into great confusion and anarchy, and a new predatory power might again rise up in the heart of India. On the other hand, the Rajpoot states, though they might not improbably quarrel among themselves if they were emancipated from British control, have never been considered as be-

longing

longing to the predatory association ; and I have in my memorandum, in reply to one of the questions put to me, expressed a doubt whether it was necessary to exact the permanent sacrifice of their independence, in order to secure the future tranquillity of Central India.

5. Can you state shortly the changes which have recently taken place in our relations with the state of Nagpore?—Under the treaty of 1826 it was stipulated, that the lands then reserved for the maintenance of the rajah's military force should continue under British management until the rajah should give satisfactory evidence of his ability and disposition properly to administer those territories. By a provisional agreement, concluded in 1829, those territories were delivered over to the rajah's own management, on his agreeing to pay eight lacs of rupees per annum to the British Government ; and he was at the same time relieved from the obligation of maintaining any force for our use beyond 1,000 horse. The British officers who had been appointed to the command of the rajah's force under the treaty of 1826, were likewise withdrawn. The subsidy which his Highness had agreed to pay, and the expense of the contingent which he had agreed to maintain under the treaty of 1816, were, by the provisional engagement of 1818, commuted for territory, and hence we got possession of the districts upon the Nerbudda, yielding a revenue of upwards of 20 lacs.

6. Are you prepared to offer any suggestions by which the disadvantages attending the present system can be obviated?—No general suggestions. In particular cases means may be found for preventing mischief in sometimes increasing and occasionally in relaxing our interference ; and upon a judicious choice of the persons selected to fill the office of British Resident at Native Courts much will always depend. But I cannot offer any suggestions calculated to counteract the general tendencies of the system.

7. What opinion have you formed upon the subject of Sir Thomas Munro's suggestion, of managing the country through a Dewan?—We have two instances in point, the one favourable and the other unfavourable. In the case of Mysore, under Poorneah, whom I have before mentioned, things went on very well. In the Nizam's country this expedient has not succeeded so well. In 1808, when Meerallam died, there was a good deal of correspondence between the Bengal government and the Nizam, upon the subject of the choice of his successor, and it terminated in a compromise, by which the Nizam was allowed the choice of his nominal prime minister, and we of the effective minister. The result was, that Moonceer ul Moolk was appointed minister by the Nizam, in which capacity, however, he never acted, the whole public business of the country having been transacted by Chundoo Loll, the deputy of our selection, and things have certainly not gone on prosperously. The great objection to such an arrangement is, that under it you never can know who is really the author of the measures adopted. If anything very objectionable occurs, the minister may plead that it was done at the recommendation or by the desire of the British resident, to whom it was his duty to defer : the latter, on the other hand, may say that it was solely the act of the minister, and that he had nothing to do with it. There is thus a sort of divided and undefined responsibility, which amounts to no responsibility at all. To the arrangement in question may be in great measure ascribed the enormous debt contracted by the government of Hyderabad, to the house of

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W. McCulloch, Esq.

13 February 1832.

W. M. Culloch, Esq.

Palmer & Company; the decline of the revenue and the re-accumulation of the public debt, after it had been almost wholly paid off; and, I may add, that the aristocracy of the country have been completely sacrificed to the personal interests of the acting minister.

8. Do you consider, from what you know upon the subject, that the Nizam's country is a particularly ill-governed country?—I do not know precisely what has been the result of the measure adopted by Sir Charles Metcalfe, about the year 1820, when he appointed European officers to assist in forming the revenue settlements, a measure which, though disapproved by the authorities at home, continued in operation until the accession of the present Nizam; but the last report that I read respecting the Nizam's revenues, and the state of the debt, certainly was not favourable.

Jovis, 16^o die Februarii, 1832.

The Right Hon. Sir JAMES MACINTOSH, in the Chair

JAMES MILL, Esq. called in and examined.

16 February 1832.

James Mill, Esq.

9. HAVE you prepared for the Committee an outline of the territories and tributaries acquired by us in India since 1813?—I have.

[The Witness delivered in the same.]

10. How many of the chiefs and princes do you consider in the light of mere pensioners, the payment of whose pensions are stipulated by treaties?—In this statement are included tributaries, and states in alliance, without payment on the one side or the other. You may consider all those as distinct from mere state pensioners.

11. Do you consider the first nine articles in the Statement I now show you, of our political relations, as being the case of pensioners who may be excluded from our present consideration?—Yes.

12. Have the goodness to enumerate the chief subsidiary princes and the protected states?—I have in my hand a list which, I believe, contains the answer, and which, with permission of the Committee, I shall read.

Native States, with which Subsidiary Alliances exist.

Oude.	Holkar's State.	Cochin.
Nagpore.	Mysore.	Baroda.
Hydrabad.	Travancore.	Cutch.

Native States under the Protection of the British Government, but without Subsidiary Treaties.

Siccim.

The Sikh and Hill States, on the left bank of the Sutledge.

Rajpoot

16 February 1832.

James Mill, Esq.

Rajpoot States	{	Bickaneer.
		Jessmere.
		Jypore.
		Joudpore.
		Oudeypore.
		Kotah
		Boondee.
		Serowey.
		Kishengurh.
		Dowleah and Pertaubgurh.
Jaut, and other States on the right bank of the Jumna.	{	Doorapoore,
		Banswarra.
		Bhurtpore.
		Ulwar, or Macherry.
Boondela States	{	Kerowlee.
		Sumpthur.
		Jhansi.
		Jaloun.
		Oorcha, or Tehree.
		Dutteah.
States in Malwa	{	Rewah.
		Bhopaul.
		Dhar.
		Dewas.
		Rutlaum.
		Silana.
		Nursinghur.
		Amjherra.
		&c. &c. &c.
		Pahlunpore.
States in Guzerat -	{	Rahdunpore.
		Rajpeepla.
		Loonawara.
		Soonth.
		The States in the Myhee Caunta.
		The Kattywar States.
States on the Malabar Coast (chiefly Mahratta).	{	Sattarah.
		Sawunt Warree.
		Colapore.
		Colabba.
Burmese Frontier -	{	Cachar.
		Jyntia.

States not under British Protection.

Scindia.
The Rajah of Dholapore, Barree, and Rajakera (formerly Rana of Gohud).
Runjeet Sing of Lahore.
The Ameers of Scind.
The Rajah of Nepaul.

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13. Where are the seats of the people called Seiks?—The principal part of the territory they occupy is the Punjaub, or country within the five branches of the Indus. Those under British protection are some small communities on the left bank of the Sutledge.

14. They are a sort of predatory tribe, are they not?—They consisted of various tribes, of unsettled and predatory habits, until they were combined (as those beyond the Sutledge are now), under a chief of great power, who has consolidated them into a sort of kingdom, very likely, however, to go to pieces when he dies. Properly speaking, his territory may be considered as the only one in India that is not substantially British dominion. The subsidiary and protected states are, in truth, part of our empire.

15. The smaller states on the left bank of the Sutledge, which we have taken under our protection, are not subject to Runjeet Sing?—Those smaller states on the left bank of the Sutledge solicited our protection, to prevent their being swallowed up by Runjeet Sing. We willingly granted them our protection to prevent that chief's coming more close upon our frontier. He has agreed to respect our alliance, to confine himself to the north bank of the Sutledge, and not to meddle with those states.

16. Nepaul is the whole length of the northern frontier?—Not the whole, though the greater part. It is bounded by Siccim on the east, and by Kemaon, ceded to us, and some protected Seik states, in the west.

17. How would you class Scindia?—He is nominally independent, but, in truth, as dependent as any of the allied states; for he is perfectly surrounded by our territories, direct or allied, and can have no intercourse with any state but our's.

18. But he is an independent prince, with whom we have treated, is he not?—He neither at present has subsidiary alliance with us, nor do we include him among the protected states; in that respect he stands alone; while every state by which he is surrounded is bound not to negotiate, except through us; by consequence, Scindia can negotiate with none but us.

19. Malwa belonged to Scindia, and Holkar is in the same condition?—We have a subsidiary alliance with Holkar, whose territory is now reduced to an inconsiderable extent. The simple mode of considering our position in India, is to consider the extent actually pervaded by our power, really and truly under our dominion; that is, whether the subsidiary and protected princes are not entirely nominal. The case is this, with respect to all of them: we take the military powers of government entirely into our own hands, allowing them to keep only a small number of troops, to be employed in preserving internal order. Now if it is considered what the military power implies; that it is, in truth, the whole power, it will be seen that what we do with those protected princes is merely to delegate to them the powers of internal administration, which, in such a case in their hands, are in truth the powers of oppressing their subjects. This unfortunate intermediate state between British government and native, is filled up with nothing but abomination.

20. Does this description apply to Nepaul and Ava?—Nepaul and Ava are to be classed with foreign states really out of India, with which we have only occasional intercourse; and with such our relations are merely of a commercial nature. We have agreements of this kind with several of the ruling people in the Persian Gulf,
and

and of the maritime states to the eastward, between India and China. In fact we have hardly any political relations that deserve attention out of India. We maintain indeed a resident at the court of Persia, but with more of reference to European than Indian politics.

21. You have a resident independent of any envoy immediately from this country?—The envoy we maintain at Persia is accredited from the Bengal government. Instructions, which do not originate with the Bengal government, are commonly transmitted to the Bengal government, and forwarded to the envoy, who is put in communication with the King's minister at Constantinople and at St. Petersburg.

22. He does not communicate with the Supreme Government at Calcutta?—Yes, directly.

23. And directly here?—When he thinks the emergency requires it; and then he corresponds with the Secret Committee.

24. Do despatches always go by the way of India?—That is the general rule; but there are exceptions when expedition is considered of importance.

25. Have the French and Dutch foreign possessions in India, or anything but factories?—Nothing, deserving the name of territory. Some small places were restored to the French at the general pacification. Pondicherry is something of a mercantile station, and they have Mahé, on the Malabar coast, and some other places. The Dutch have nothing on the Indian continent.

26. Have not the Swedes some?—The Swedes never had any. Serampore belongs to the Danes, near Calcutta, and has been distinguished as a missionary station, most meritoriously employed in promoting the education and instruction of the natives; they have also Balasore, and they have Tranquebar, in the Madras territory.

27. Is there a French factory at Chandernagore still?—There is.

28. Singapore is nothing but a factory of ours, is it?—It is an island conveniently situated for an emporium, a depôt of merchandize in transit; and is of importance in no other light.

29. Is it fortified?—I believe not, nor should I think it required.

30. Is it valuable as a naval station?—It is valuable as a port for merchantmen, and I believe for that only.

31. To supply the loss of Batavia or the Dutch settlements?—Batavia was not considered an important possession for us; this was reckoned a more convenient station, as in the route of all ships to the eastward.

32. Has it turned out as good and as useful as was expected?—It has answered the purposes expected from it. The quantity of traffic has not been so great as entered into certain sanguine expectations; but all the traffic the state of the countries yields has found accommodation there, I believe sufficient.

33. You think we should not be much better off if we had Batavia?—It would probably have cost us more than it is worth.

34. Batavia would have been a Government possession, and Singapore belongs to the Company?—Singapore belongs to the Company.

35. Is the defence, in your opinion, of our dominions more easy from having the whole of India, not a part merely?—Greatly so. It is not easy to find a great empire

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James Mill, Esq.

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empire with so small a frontier to defend as India, when you possess the whole; as in three parts it is bounded by the sea, and in the other by mountains, which can only be passed at a few places, or through a desert scarcely passable at all. The best of these passes, by Attock through the mountains of Caubool, we might defend (such I believe is the opinion of the best judges) against all the world.

36. What is your opinion as to the effect of the subsidiary system upon the well-being of the inhabitants of the countries to which it relates?—With respect to its effect on the people of the country, my opinion is very unfavourable. The substance of the engagement we make with these princes is this: we take their military protection upon ourselves, and the military power of the state into our own hands. Having taken from them the military powers of government, that is, all the power, we then say to them, We give up to you the whole of the powers of civil government, and will not interfere with you in the exercise of them. It is well known what the consequences are. In the collection of the revenue, one main branch of the civil administration, they extort to the utmost limits of their power, not only impoverishing, but desolating the country. In regard to the other great branch of civil government, the administration of justice, there is hardly any such thing. There is no regular establishment for the administration of justice in any native state of India. Whoever is vested with a portion of power, great or small, hears causes when he pleases, and when he does not please, refuses to hear. The examination of the case is commonly very summary and hasty, and liable to be erroneous, when the examiner is not (what he is generally) appealed to by something more prevailing than a sense of justice, and then the case is decided according to the motive by which he is actuated. It has been found by experience (and the same was predicted), that misgovernment under this divided rule does go to its utmost extent, far beyond its ordinary limits, even in India. And the causes cannot but be considered equal to the effect. In the ordinary state of things in India, (though under such governments as that of India there was little of anything like a regular check,) the princes stood in awe of their subjects. Insurrection against oppression was the general practice of the country. The princes knew that when mismanagement and oppression went to a certain extent, there would be revolt, and that they would stand a chance of being tumbled from their throne, and a successful leader of the insurgents put in their place. This check is, by our interference, totally taken away; for the people know that any attempt of theirs would be utterly unavailing against our irresistible power, accordingly no such thought occurs to them, and they submit to every degree of oppression that befalls them. I may refer to the instances of Oude, of the Nizam's country, and that of the Peishwah while he was in the state of a subsidiary prince. Misgovernment went to its ultimate excess, and there have hardly been such specimens of misgovernment as exhibited in those countries. Complaint has been frequently made of the effect of these subsidiary alliances, in subduing the spirit and relaxing the springs of the government of those native princes. It appears to me that the subsidiary alliance does not take away the spirit of sovereignty by degrees from those princes; this is taken from them, along with the sovereignty, at the first step. It does not remain to be done by degrees. We begin by taking the military power, and when we

have

have taken that, we have taken all. The princes exercise all the power that is left them to exercise, as mere trustees of our's, and unfortunately they are very bad trustees.

37. Then upon the whole, you consider that under the subsidiary system the people are worse off than before we interfered at all?—Yes; and I believe that is the natural tendency of such a state of things.

38. What would be a better state of things?—There are two other modes; one, that of letting them alone altogether, not meddling with them.

39. That would be reducing it to what it was before?—Yes; and there is the other mode; when we have taken really the dominion of the country, to take the government of it wholly into our hands; and instead of leaving it to be governed abominably by the old rulers, to govern it ourselves as well as we can.

40. What is your opinion of government through the means of the dewan?—Governing by the dewan is, in reality (if I correctly take the meaning of the question), assuming powers of civil government, but under infinite disadvantages. We place a resident, who really is king of the country, whatever injunctions of non-interference he may act under. As long as the prince acts in perfect subservience, and does what is agreeable to the residents, that is, to the British Government, things go on quietly; they are managed without the resident appearing much in the administration of affairs; in the detail of the government his presence does not become conspicuous, for it goes on quietly, in a manner that is agreeable to him; but when anything of a different nature happens, the moment the prince takes a course which the British Government think wrong, then comes clashing and disturbance. The mode of preventing such collision which has been generally resorted to, has been the creating a dewan; that is, forcing the prince to appoint a prime minister of our choosing. A dewan, or prime minister, who knows he depends on the support from British power, and would be dismissed the moment that support should be withdrawn from him, takes care to conduct business in conformity with the inclinations of the British Government.

41. You consider the dewan as a less effective or more clumsy mode of absolute government?—When you appoint a dewan, you still can interfere only in a very imperfect degree for the prevention of misrule. Unless you take the collection of the revenue into your hands, and appoint your own collectors, with your own people to supervise those collectors, you may be perfectly sure the people will be plundered. In like manner, there will be no justice unless you administer it. All you can accomplish through the dewan is, to a certain degree, to prevent the prodigal expenditure of the government, improper interference with neighbours, and the violation of some of the general and broader lines of good conduct; but you cannot, without taking the government entirely into your own hands, know that he does not overcharge the people; and you know that you cannot have any security for anything like the administration of justice. All this goes on according to the usual plan in native states, and although a dewan or minister, who manages in accordance with your wishes, endeavours to prevent abuses, the means are wanting, and it is well known that they still go on.

42. Has it not been rather the disposition of the Indian government lately to restore the princes to their sway, to leave them to themselves, than to carry the interference

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interference further, and extend it?—The instructions sent from England have been very strong against interference, and against extending our relations at all. Both the British Legislature and the East-India Company have declared strongly against extending our conquests, but every now and then it has happened that those conquests were pressed on the Indian rulers by a species of necessity. All our wars cannot perhaps be, with propriety, considered wars of necessity; but most of those by which the territories we possess have been obtained, and out of which our subsidiary alliances have grown, have been wars, I think, of necessity, and not of choice. For example, the wars with Tippoo and the Mahrattas. The conquests actually made by these wars, the dominion acquired and kept, we have frequently chosen not to acknowledge. There being a certain anticipation on the part of the conquering government that the avowed conquest, taking, in short, the government of the acquired territory, simply and frankly, as we took all the military power into our hands, would raise a storm of indignation in England, where, so long as we only made the conquest, but took care to call it by the wrong name, all would be very well received,—the expedient of subsidiary and protective alliances was resorted to. The misfortune is, that to elude this species of prejudice in England, we were obliged to incur all the evil of the most perfect misgovernment in those states in the mean time.

43. Then the spirit of those instructions is diametrically opposed to your opinion of what would be the best thing for the happiness of the people?—In my opinion the best thing for the happiness of the people is, that our government should be nominally, as well as really, extended over those territories; that our own modes of governing should be adopted, and our own people put in the charge of the government.

44. That would lead to the deposing of the native princes, would it not?—It would lead to the making them all Rajahs of Tanjore, with palaces to live in, and liberal pensions, both for comfort and dignity, assigned them.

45. Do you imagine that the influence of the resident is never applied to alleviate the sufferings of the people?—It is always applied; sometimes more, sometimes less directly, but under infinite disadvantages. He has no instruments in the provinces to let him know what is going on. What he hears is incidentally; he may know that the country is oppressed, not prospering; that it is impossible it should prosper, and yet find it wholly impossible to use any effectual means to prevent the mischief. Such has been found to be the case in a most remarkable degree both in the Vizier's and Nizam's territories; and matters were still worse under the Peishwa, so long as territory was left to him.

46. In those cases where there is no special clause, as in some cases, for larger intervention with the internal affairs of the country, the only plausible ground on which the resident could put his interference to protect the people from oppression, would be, that the oppression might endanger the peace of the country and the produce of the revenues which paid our subsidy, and might render our protection more difficult to be afforded; do you not think so?—Yes; and even on that ground, the resident is always restrained by his instructions not to interfere but on occasions of the greatest urgency. Upon certain occasions we have considered ourselves bound by some of our treaties to interfere, in order to coerce refractory subjects.

47. That

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47. That emergency might chiefly consist in the way in which the oppression of subjects of a particular state might endanger the security of government, and increase the burden upon us in consequence of our alliance?—In the case of subjects, unless the resistance to exaction took the shape of a regular force, so as to threaten seriously the efficiency, if not the existence of the government, the resident would not think himself entitled to interfere further than by his advice.

48. Do you imagine the people themselves had rather be under the immediate dominion of the Company than that of their own native princes, circumstanced as those princes are?—The question admits of two answers; one, as regards the class of people who have held the powers of government, or might hope again to hold them under native princes. They are of course averse to our rule. The mass of the people, I believe, care very little by what sort of persons they are governed. They hardly think at all about the matter. They think of the present pressure and of relief from that pressure; but if they find themselves at peace in their dwellings and their fields, and are not burthened by too heavy an annual exaction, they are equally contented whether their comfort is under rulers with turbans or hats.

49. Then it brings itself to this: whether the immediate government of the Company is better than the intermediate or virtual government?—Yes; I consider the only other choice, that of leaving the entire dominion to the princes themselves, as wholly out of the question. I conceive that territories not only surrounding our own, but actually mixed with them, given up to princes whose great and almost sole object of ambition is to maintain a great rabble of irregular troops, more than they are able to pay; who are therefore perpetually hurried on to enterprizes of plunder, for the gratification of their predatory bands, are inconsistent with relations of amity. It would be impossible for us ever to feel in security against neighbours of this description, quarrelling with and plundering one another, and perpetually tempted, by the riches of our peaceful dominions, to turn their ravages upon them, without incurring such an expense for standing defence as would be equivalent to that of a perpetual war. The most obvious policy would call upon us to make war on those states and subdue them; which, to any power so far advanced beyond the native in civilization as the English, is never likely to be a matter of difficulty. Such a power, finding its own views of order and regularity constantly broken in upon by neighbours of that description, is not only naturally, but in some sort inevitably, induced to go on conquering one state after another, until it has got the whole territory. When you have proceeded to that extent, where nature seems to have pointed out the most admirable boundary, then you should stop, and govern what is included as well as possible.

50. The seat of the Pindarees was on the Nerbudda?—Yes; to the south of Malwa, whence they carried their incursions in every direction.

51. What has become of them?—They were entirely extirpated by Lord Hastings; I do not mean that every individual was slaughtered, they were entirely broken up, their leaders taken off, and they dispersed.

52. Had they any place that was their capital at all?—No; the different chiefs had forts and small territories, granted them chiefly by Scindia, where the marauders collected at a certain part of the year, and then issued out in parties of 500, 600, or 700 horsemen.

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53. Have we not established our supremacy over all that it is desirable for us to obtain?—I consider that we have nothing now between us and the most desirable frontier every where, but the territory of Runjeet Sing. If we were threatened on the north-west frontier, for example, by an invasion of the Russians, we should, in self-defence, be obliged to take possession of the country to the foot of the hills, as we could not leave an intermediate space, in which the enemy might establish themselves.

54. Is his country in the mountains?—He occupies the Punjaub, or the country within the streams of the Indus. The boundary between him and the Hill States is not very definite.

55. Does the pass through the mountains at Attock open into his dominions?—Attock is in his dominions.

56. Where is Cashmere?—It is a valley up in the mountains, north of the Punjaub, and belongs to Runjeet Sing.

57. You may then almost be considered to say, that India has been conquered and administered in spite of instructions from England?—To a considerable degree that is the truth.

58. What is the meaning of the word Circars, in the term Northern Circars?—Circar means a government. The Northern Circars are on the eastern coast, south of Cuttack. They are five districts, which got that name, probably, from being under separate governments. They have always belonged to the Madras presidency.

59. Were they administered by the Madras presidency directly, or through the medium of the native princes?—By the Madras presidency directly; though in the case of some of the hill districts, where the people are wild and unmanageable, the owners, a sort of local chiefs, have not been much interfered with in the management of their own people.

60. Do they come under the head of protected states?—We do not consider them as states, but as subjects. The Northern Circars were among the earliest of the Madras possessions.

61. Have you anything further to add on the subject of the subsidiary and protected states?—I can only repeat my opinion, that their real condition, in respect to us, is that of subjugation; they are part of our dominion, which we manage by no means to the advantage either of the people of those states, or to our own advantage. And farther, we bear all the expenses of the government pretty nearly, while we obtain but a part of the revenues; and the native rulers, ruling as our delegates, are wasting the rest, and destroying the resources of the country.

62. In a financial point of view, then, a more competent incorporation would be profitable?—Decidedly so. Beside what I have already said, one thing is clear, that under an obligation to maintain subsidiary troops within the territories of these states, you incur an unnecessary expense. A smaller force, disposed where it might act with greatest advantage for general purposes, would be equally efficient for general protection. It is still possible that this may be an intermediate state, through which it is expedient to pass. But what is of chief importance is duly to estimate an opinion maintained by persons of high name, whose opinions deserve the greatest attention (among others Sir John Malcolm), the opinion that we ought to

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to endeavour to retain this intermediate state as long as it is possible. From the view which I take of the matter, my opinion cannot but be, (of little weight, indeed, compared with that of Sir John Malcolm), that the more speedily we get out of it the better.

63. Do you imagine that the longer it continues the greater will be the difficulty in putting an end to that eventually?—No, I think that by degrees we are proceeding towards it; and one effect of it, pointed out not by those who, under the name of conservative policy, would preserve the intermediate state as long as possible, is, that in the mean time these troublesome parties, the old military families who formerly enjoyed power, and do not willingly give up the hope of it, are gradually worn out, without bringing odium upon us. They would ascribe the cause of their declension to us, if we were to take the government entirely into our own hands; but when we merely take the military power, and leave a nominal sovereignty in the hands of the old sovereigns, they are equally unemployed and exposed to this decline and gradual annihilation, but do not seem to owe their calamities to us. I believe, however, that a good deal of this supposed advantage is fanciful; for they are not so ignorant as not to know that we are the cause of all the change which has taken place.

64. Do you conceive that it will be facilitated, the assumption of the power, by its still being allowed to continue some time longer?—I think the facilitation is more with respect to English feeling and prejudice than to India. There would be very little risk, I think, in putting all the subsidiary and protected powers in the state of the Rajah of Tanjore by judicious means; but I conceive there would be a very great outcry against it in England.

65. If you took the whole of the government, you would take the whole of the revenues?—Yes, and grant pensions to the chiefs.

66. You think the best policy would be always to have that object in view and that tendency?—Yes, and to accomplish it according as circumstances would allow.

67. Taking advantage of opportunities as they occur for realizing that system?—Yes, it is a result to which the nature of things is carrying us; it is inevitable; in the mean time the present state is attended with deplorable consequences; my opinion is, that it ought to be as short as you can conveniently make it.

68. During this suspense the exaction of the revenue is so much greater, and we bear the odium of it?—Yes, certainly so.

69. The means of levying the revenue is perhaps more objectionable than the amount?—Yes, because there is endless fraud and exaction by the subordinate people, who are under little or no control.

70. Do not the assignments of the revenue tend particularly to the distress of the inhabitants?—When they are not managed by our officers.

71. That is when assignments are made to individual natives for debts?—Yes, such assignments are invariably found to be a great source of oppression. When a needy government, unable to pay its creditors, gives an assignment of the revenues of certain territories to its creditor, and permits him to collect the revenue under no restraint, he takes whatever he can get; he is not in the least interested in the welfare of the ryots, in their being enabled to cultivate their land next year or not, which

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which the Government is ; he carries off the bullocks of the ryot, all his implements of industry, even his miserable furniture, and leaves him nothing.

72. Do you imagine that the native princes, who are in fact under our government, attach much importance to the name and dignity of sovereign, or that they very much dislike being reduced?—Yes, they dislike it exceedingly ; nothing is more ridiculous than their attachment to their mock majesty. The pageantry kept up at Delhi by the Mogul is an example. He holds his durbar every day, and gives pensions to people to come and present nuzzers, morning and evening, as if he were on a real throne.

Martis, 21^o die Februarii, 1832.

The Right Hon. Sir JAMES MACINTOSH, in the Chair.

HENRY RUSSEL, Esq. called in and examined.

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73. How long were you Resident at Hydrabad?—I held the office of resident there 10 years ; I was there nearly 21 years altogether.

74. Were you 11 years assistant?—No, I was eight years assistant ; I was then a year and a half at Madras, on a commission for the investigation of the Nabob of Arcot's debts ; I was a year and a half in charge of the residency at Poonah, and for 10 years held the office of resident at Hydrabad.

75. What opinion have you formed, from your experience and observation of the manner in which the subsidiary system affects the well-being of the inhabitants of the countries where it is established?—One of the most striking effects, perhaps the most striking of all, which a close connection with us, upon the subsidiary system, has produced upon the native states that have embraced it, is the condition of premature decrepitude into which it inevitably hurries them. Every faculty that is valuable to a state, every organ that contributes to its wholesome existence, seems to decay under our alliance. From the moment that we engage to protect a foreign prince, he ceases to have any inducement to maintain himself. The habit of going upon crutches deprives him of the use of his own limbs. By taking away the occasion, we take away, in the end, all power of exertion. Let a prince in this state of tutelage do what he may, his government must progressively decline. He has no longer anything to hope from good measures, or to fear from bad ; he has no longer any inducement to strengthen himself against the hostilities of foreign powers, or to conciliate the affection of his own subjects ; all community of interest or feeling between them is at an end, and having no longer any occasion for their attachment or support, he treats them as if he had none. He exacts, in the shape of revenue, not what they ought to pay, but what his own rapacity desires to receive. Those impediments which his people, if left to themselves, would raise against him, are prevented or removed by the dread of the exercise of our power, and he proceeds in his course of injustice, violence, and extortion, without any fear of resistance

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or rebellion. I speak here principally of the Nizam's government, as that with the condition and progress of which I am best acquainted; and perhaps it furnishes the fairest example that could be chosen, as it is the one with which our alliance has been longest in operation. If the Nizam had not been protected as we were bound to protect him, either he must have abstained from the system of internal misgovernment which he has pursued, or his subjects would have been driven to redress themselves. This system of confederation, which we have hitherto pursued with the protected states of India is inevitably progressive in its nature. Every new alliance that we contract brings us into territorial or political contact with other states, which, in their turn, submit to the same system, and fall under the same consequences. A state that has once resorted to an alliance with us can no longer remain stationary. By degrees our relations become more intimate, the habit of relying upon foreign support gradually paralyzes its own faculties, and in the end it loses the form as well as the substance of independence. If it is galled by its trammels, and makes an effort to shake them off, as the Peishwa did, it only precipitates its own destruction; if it submits, it declines, by degrees, from one stage of weakness to another, until, like the Nizam and the Rajah of Mysore, it expires from exhaustion. The choice is between a violent and a lingering death. When once we changed the character of our establishments, and relinquished our capacity of merchant for that of sovereign, we entered upon a career in which it was difficult to check, and impossible to stop ourselves. Our largest and most frequent acquisitions of territory have been made since the declaration of the Legislature in 1784, that "to pursue schemes of conquest and extension of dominion in India, are measures repugnant to the wish, the honour, and policy of the nation." Lord Cornwallis arrived in India in 1786, with this declaration ringing in his ears, and found Sir J. Macpherson engaged in a negotiation with the Mahrattas and the Nizam, in which the object of those powers was to inveigle us into a war with Tippoo. Lord Cornwallis's first act was to break off this negotiation, under a declaration that the English would engage in none but strictly defensive wars. His second act was to propose an alliance to those very powers for a war, of which the result produced a large accession to our territory: but this was the fault, not of Lord Cornwallis, but of the circumstances in which he was placed. Events were no longer under his control; he was controlled by them; and the same has been the case with almost every one of his successors. Unless we are arrested in our progress by some formidable disaster, the result of our present course must be the falling to pieces of all the native states, and the acquisition of the whole territory of India to ourselves. The collection of the Pindarries, and the war we were obliged to undertake for their dispersion, were another consequence of the relations established by us with the principal states of India. Predatory bands have in all ages existed in India, and the name of Pindarry was known, I believe, as long ago as the time of Aurungzebe; but organized bodies of such magnitude as those which were collected before the war of 1817, permanently occupying tracts of country acknowledged as their own, openly treating with the governments in their neighbourhood, and systematically conducting predatory expeditions, from which even our own territory was latterly not exempt, were unheard of before the extension of our power, and while the principal states retained their independence; but as they declined

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declined in power, and entered successively into more intimate relations with us, they no longer required, nor were able to maintain the same military establishments as before. Large bodies of cavalry were consequently discharged, both in Hindostan and in the Deccan; legitimate service was no longer open to them; they could not, or would not change their mode of life; and by degrees they congregated and established themselves in those districts next the Nerbudda, which were at once the most accessible to them, and the most secure from our reach; the rapidity of their increase was promoted by the same causes that had produced their original foundation, and by the success with which their early enterprizes were attended. They were constantly recruited by parties, or individual hersemen, who fell out of employ; and the regular states, too feeble to resist them, had recourse to the fatal policy of buying off their incursion, in some cases by payments in money, in others by cessions of territory. But this, though a serious, was a temporary evil. Having once been encountered with decision, it was extinguished. The source in which the Pindarries originated has been stopped; the native states have no longer large bodies of cavalry to discharge, and even if they had, there is no longer any secure position in which those bodies could assemble and establish themselves.

76. Can you shortly state to the Committee the progress of subsidiary treaties with the native states; for instance, what was the first subsidiary treaty with the Nizam?—We had an early treaty, in the nature of a subsidiary engagement, with the Nabob of Lucknow, now called the King of Oude. But that was so old in point of time, and so distant in respect of place, that it cannot be considered as forming a part of what may now be considered as our subsidiary system.

77. That treaty?—Yes; that treaty.

78. When was that treaty made; was it by Lord Clive?—I do not immediately recollect.

79. What was the time of the first treaty with the Nizam?—Our first treaty with the Nizam was made in 1766. By that treaty we engaged, on receiving three months' notice, to afford him military assistance, and he, in consideration of the yearly payment of nine, afterwards reduced to seven, lacs of rupees, granted to us the tract upon the sea coast, between Ganjam and Masulipatam, called the Northern Circars. The next was a treaty of peace in 1768, the Nizam having in the interval joined Hyder Ally in a war against us. By that we agreed to furnish the Nizam with two battalions whenever he should require them; but he never did require them.

80. Their being furnished depended upon a requisition from him?—Yes.

81. They were both subsidiary treaties?—They were only for temporary assistance.

82. They were not for keeping up a force?—No, the first treaty that can fairly be called a subsidiary treaty, was that of Paungah, concluded with the Nizam in 1790, preparatory to Lord Cornwallis's war.

83. Was that a subsidiary treaty?—Yes; but the force furnished by us under it was not permanent. It was preparatory to the war with Tippoo; it made the Nizam a member of the triple alliance, consisting of himself, the English, and the Mahrattas, against Tippoo. The force furnished under that treaty consisted of only two battalions.

84. Did

84. Did we do it by one general treaty with the three powers, or by separate ones?—By separate treaties.

85. The Nizam was no party to the treaty with the Mahrattas, nor the Mahrattas to that with the Nizam?—No, not directly. 21 February 1832

86. Was this intended as a permanent arrangement, or merely for that particular purpose?—It depended upon the pleasure of the parties; it was determinable at any time that either party chose; and in point of fact, the two battalions were dismissed by the Nizam in 1795, in resentment of our refusing to assist him in his war with the Mahrattas; but they were recalled almost immediately afterwards, in consequence of the rebellion of his eldest son.

87. Was the occupation of any part of the territory of the Deccan or of the Nizam's dominions, any part of the stipulations of that treaty?—No; no territorial cession was provided for until 1800.

88. Having in view a war with Tippoo, and contemplating a partition of dominions?—Yes; and there was a partition treaty afterwards.

89. Was that partition treaty after the peace?—It was; in 1792, after the peace.

90. It was understood, was it not, that there was to be a partition treaty when they first went to war?—It was expected, though I think there was no specific provision made for the scale of partition. We had then a second subsidiary treaty with the Nizam in 1798, preparatory to another war with Tippoo.

91. That was Lord Wellesley's?—Yes; and that was the treaty that made the subsidiary force permanent, though it did not provide for any cession of territory for the payment of it. The Nizam was still bound to provide a money payment for the subsidiary force. The last subsidiary treaty took place in October 1800, the year after the fall of Seringapatam.

92. Did that treaty provide for the cession of territory?—Yes, it did.

93. With the same Nizam?—Yes.

94. Can you tell the Committee what was the outline or plan of that treaty?—The force provided for by that treaty consisted of eight battalions of native infantry, of 1,000 men each, and two regiments of native cavalry, of 500 each, with the due proportion of artillery, and the Nizam agreed, in commutation of the money payment, to cede to us all the territories acquired by him under the two partition treaties of 1792, and the other in 1799, after the wars with Tippoo.

95. In respect to the subsidiary troops, do we levy them in the dominions of the princes for whose protection they were intended, or in our own possessions?—Generally speaking we levy them in our own possessions, but on one occasion a recruiting establishment was formed in the Nizam's country to supply the regiments with troops, but I believe that even the men recruited there were inhabitants of our own territories, who came into the Nizam's country in search of service.

96. The inhabitants of the territory of the native state would not be reckoned safe, would they?—No, nor are they the kind of persons we should like to take.

97. Were those 10,000 men to be stationed in the Nizam's territories?—Yes, permanently; there was a provision made, that in the event of war they should all be applicable to the purpose of general hostilities, with the exception of two battalions, which were to remain near the person of the Nizam.

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98. Was he to pay them?—He ceded territory in commutation of the money payment ; he ceded to us all the territory acquired by him under the treaty of 1792, after Lord Cornwallis's war with Tippoo, and under that of 1799, after Lord Wellesley's war.

99. We were to maintain them after that cession?—Yes.

100. And we were at liberty to increase them if we saw occasion, were we not?—No.

101. Not in the event of hostilities?—We might, considering his territories as the territories of a friendly power, have sent troops to act in them ; but we had no power to increase the subsidiary force permanently stationed in them.

102. Was, then, the first cession of territory in consequence of a subsidiary alliance?—The first, with the exception of the Northern Circars ceded to us in 1766.

103. Was there any subsequent alteration in the provisions of the treaty?—There was one trifling alteration in the composition of the force immediately before the war with the Mahrattas, in 1803 ; it was thought inconvenient to have so large a force as the Hyderabad subsidiary force, consisting of natives only ; a separate arrangement was therefore entered into with the Nizam, by which he agreed to receive a regiment of 1,000 Europeans instead of 2,000 sepoys.

104. There was no other alteration in the federal relations?—No.

105. What year did you go to Hyderabad?—Originally in the year 1800, just before the conclusion of the treaty of that year.

106. You had occasion to see a good deal of the Nizam's country, making excursions of various sorts, going down to Madras, travelling, and so on?—Yes.

107. Did you observe any, and if so, what alteration in the state of the inhabitants of the country from the beginning of your acquaintance with that province to the end of it?—I should say, that a very material and constant change was going on for the worse ; the population was becoming more scanty, their poverty was increasing, and they were being gradually and progressively reduced to a still more and more abject condition of misery.

108. Between what years?—1800 and 1820.

109. There was a commercial treaty in 1802, that had nothing to do with subsidiary arrangements, was there not?—Yes ; but it was hardly attended with any practical consequences.

110. To what was the deterioration to which you have alluded to be ascribed?—To the increasing rapacity and misrule of the government. The government was originally a bad government ; and the persons composing it were of one religion, while the people were of another. I think a great deal is to be referred to that cause.

111. It was a Mahometan government?—Yes, with a Hindoo population.

112. Did it ever occur to you, that any part of that constant degeneracy of government arose from its inability to protect?—A great deal arose in this particular instance from the personal character of the old Nizam, and of his minister, Azim-ool-Omrah, a man who was in absolute power for many years ; they were both very weak, very extravagant, and very rapacious men.

113. After

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113. After making all allowance for personal character, do you consider the subsidiary relation itself as having a tendency to produce that?—I have no doubt it gave efficacy to all the bad features of that character.

114. Were you for some time resident at Poonah?—Yes, a year and a half.

115. At that time the Peishwa was a subsidiary ally?—Yes.

116. In the space of time between 1800 and 1820, what sort of change did you happen to observe in the ceded territories?—I never had an opportunity of seeing the ceded territories. I have no doubt the progress that had taken place there had been precisely the reverse of what I have mentioned; having been transferred to our government, they were reviving in much the same ratio in which the rest of the Nizam's territories were declining. I have always understood they were progressively improving. Our own territories are better governed than those of the native states in close alliance with us, but not so well governed as the territories of those native powers which have retained any considerable portion of their original independence. There was a great difference between the character of the Peishwa's government, under the influence of our subsidiary alliance, when I saw it, from what I noticed in that of the Nizam. The alliance with the Peishwa was of more recent origin, and his government was in a much more vigorous state. And that I take to have been one of the causes of his breaking out as he did; he relied on his own people and on his own vigour. His government had not been weakened and humbled like the Nizam's; he could not brook the weight of our control, and he fell in the effort to cast it off.

117. Was he a Hindoo?—Yes, a Mahratta, as well as his people.

118. You think upon the whole, that the marks of the vigour of his government were discernible in the better condition of the people?—Remarkably so; his people were contented, and had great reason to be so.

119. Is there the same importance attached to caste that there was?—Among the Hindoos as much as ever.

120. Would they not dislike being governed by princes of inferior caste?—Yes; they look down with great disgust upon their own lowest castes.

121. Had we ever a subsidiary treaty with the king of Tanjore?—Yes, I think we had.

122. Is the natural course of a subsidiary treaty that it will end in the complete dependence of the state in time?—Yes, inevitably.

123. Lord Wellesley was the first who begun that subsidiary system, was he not?—Yes, that system in the shape and to the extent in which it is now contemplated by the Committee.

124. Were you at Poonah before or since the termination of the Peishwa's government?—Before the war with him.

125. You have no knowledge of the actual state of it?—No; I left India shortly after the war which placed his territories in our possession.

126. You do not know anything particularly of the Nagpore country?—I apprehend it was better governed than the Nizam's, but not so well as that of the Peishwa; and in point of condition, it occupied perhaps an intermediate place between the two.

127. Our first connection with the Peishwa begun when he was under a regency?—No; we had in early times a close connection with his father Ragobah, but not

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of a permanent nature; we espoused his interests when he was opposed by the other branches of the Mahratta confederation; but we had no connection with this individual Peishwa.

128. He was an infant when he came to authority?—Not when our first treaty was concluded with him; we had no treaty with him till that of Bassein, concluded in 1802. An attempt was made by Lord Wellesley to induce him to join the alliance with the Company and the Nizam against Tippon in 1798, but he refused. After the conquest of Mysore a considerable portion of territory was reserved, and offered to the Peishwa as a gift, on condition of his becoming a member of the subsidiary alliance, but he persisted in his refusal.

129. You mean of the triple alliance?—No; the triple alliance was that of 1790.

130. Was not territory offered to Holkar, which he refused?—No.

131. Were not treaties made with Scindia and Holkar before the war of 1790?—No, not on that occasion. I believe that Scindia and Holkar joined as dependents of the Peishwa, but not as independent powers.

132. We have treated with them as independent powers?—Yes, we did long anterior to that, though the treaty of Sahley in 1782 was rather negotiated through Scindia than concluded with him. By our treaty with the Peishwa in 1817, the Mahratta confederacy was “dissolved in form and substance.” Since that time, therefore, Scindia, Holkar, the Rajah of Berar, the Guicowar, and the other smaller Mahratta princes have been nominally as well as really independent. Our first *subsidiary* treaty with the Peishwa took place in 1802: he was dethroned or abdicated, whichever it may be called, in 1818; he therefore survived his alliance with us only 16 years.

133. You say, in your answers to the written questions proposed to you, that the only danger we have to apprehend is from a well-concerted conspiracy, or a rebellion of our own army; do you mean a conspiracy among the immediate subjects of the Company, or among the native princes under our control?—Among our own subjects. The greatest danger is from our native army; and the next, and perhaps the only other, is from our own subjects. I do not apprehend that there is any danger from a conspiracy of the native princes; they might concur in it, and render assistance, but the greatest source of danger appears to me to be in our native army, and there, I think, there is very considerable danger.

134. Immediate danger?—It might occur at any time; particularly if among the native officers a man of considerable talent were to arise, and to acquire influence, as such a man might, over the sepoy.

135. You do not think there is any foundation now for such an apprehension?—No; I think the occurrence of the danger would be sudden; if there were time to discern its approach, I think it might be averted. In 1806 we had a formidable and an extensive insurrection among our native troops.

136. That arose from a particular cause?—It is doubtful what the real cause was. Those generally assigned lay upon the surface. The efficient causes, I believe, lay deeper.

137. You do not apprehend there is any settled disaffection?—Certainly not.

138. But you think there is a constant indefinite danger belonging to our position in India?—The magazine is charged, though at present there is no spark likely to be

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be applied to it. The danger most to be apprehended is the appearance of any person of considerable talents and ambition among the native officers, whose situation would enable him to take advantage of any accidental disaffection among the sepoys. I have no doubt that many of those individual native officers having got all that they can get, are very much discontented.

139. Would a Hindoo be readily received into Mahometan society if he abandoned his religion?—Yes; they do not look upon an apostate with the abhorrence that we do. The Mahometans receive converts readily. The Hindoos, as they do not admit proselytes, look with great indifference on the followers of other religions.

140. Do you conceive that employing a great number of natives in civil and military stations of trust would be attended with danger, or would be an improvement?—The process of introducing them would necessarily be one of time and considerable difficulty; but the result would be very beneficial. The great mischief of our internal government in India has been, the abolition of the respectable class of natives; it has occasioned the utter extinction of that class.

141. You think it could not be done immediately?—It must be a work of both time and difficulty.

142. And of some danger?—Yes, of course; all very great changes involve some degree of danger. I think, however, that it might be accomplished without any serious danger; and it is a measure of such eminent importance, that I am satisfied it ought to be attempted.

143. The effect of it would be, raising natives to become conspicuous among their countrymen, so far setting them forward to do mischief?—We should hardly increase their power of doing mischief, and we should very much diminish their inducement. By affording them, what we do not afford them now, respectable employment, and placing them in a creditable condition of life, we should do more than we could effect in any other way to reconcile them to our government. At present they cannot but be dissatisfied with it, not as a foreign government only, but as a government in which they have no stake, and which holds out to them no objects of hope or expectation. I take the reign of Akbar, who was contemporary with our Elizabeth, to have been that under which India was the best governed. We have no reason to suppose that it had ever been so well governed before, and we know that it has never been so well governed since. The instruments that were principally chosen by him were not of his own race and religion, but Hindoos, the natives of the country; and the result justified his choice.

Martis, 6^o die Martii, 1832.

The Right Hon. CHARLES WATKINS WILLIAMS WYNN, in the Chair.

VI.
POLITICAL
OR
FOREIGN.

Lieutenant-Colonel BARNEWELL called in and examined.

6 March 1832.

Lt. Col. Barnewell.

144. How many years have you been in the service of the Company?—Thirty years.

145. During that time what diplomatic situation have you held?—During the last 10 years I have held the situation of Political Agent in Kattiawar.

146. During that time had you many opportunities of witnessing the effect of the subsidiary system upon the native powers?—As far as our subsidiary treaty with the State of Baroda, I had an opportunity of witnessing its effects.

147. What power was the subsidiary in the service of?—The Guicowar, one of the Mahratta powers, with whom we entered into a treaty in the year 1802.

148. For what period can you speak to what has been the effect of that arrangement on the internal state of the country?—From the period of our treaty with the Guicowar until the year 1820, during which the natural defects and condition of the prince caused the government to be controlled under the advice and aid of the resident.

149. Do you mean the whole internal government?—A minister and a regency conducted all the details of the Baroda government, subject to the advice of the resident, who superintended their proceedings, reporting every thing that took place to his own government for their approbation and information; the effect of this control was very favourable. In 1802, at the period of our first connection, this government had been nearly subverted by the Arab soldiery, and by disputes that existed between the different members of the Guicowar family; it also was so oppressed by pecuniary embarrassments as to be in a state of bankruptcy. Through our interference money was advanced and loans were raised by mortgaging, or rendering (under our blandery) the revenues of the State liable for the sums advanced: the effect of our control and arrangements up to the year 1818, cleared nearly all the old debt of the State, and raised it from a condition of anarchy and bankruptcy to one of comparative prosperity and tranquillity.

150. You were in Goozerat as late as a year ago?—I was, 18 months ago.

151. Can you state in what state the country now is with respect to its revenue?—A depreciation in the value of agricultural produce had taken place, and the revenues had decreased. The eastern districts of Goozerat are very rich and fruitful, especially those under the direct rule of the British Government.

152. Part of the country has been ceded to us, we understand?—We have a great number of districts in the Goozerat, others came under us by the conquest of the Peishwa's dominions.

153. What is that depreciation arising from?—Agricultural produce being depressed, and not being saleable at the former prices.

154. What

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Lt.-Col. *Barnwell*.

154. What is the cause?—The changed state of India ; it was formerly greatly disturbed, and it is now in a state of internal peace ; this prevents the employment of numbers of men, as well as all extra demands ; from this cause a larger part of the population have become agricultural, and the supply of grain, which is the principal produce, so far exceeds the consumption, that there is a glut which causes a depreciation in the value of the produce.

155. I should have thought, as the country was less disturbed, that would have been counterbalanced?—This has not been the case in India. During the disturbed state of that country, larger establishments were maintained ; these were consumers of the produce of the soil ; they have now become its cultivators for a subsistence. There is therefore now a great deal of increased tranquillity, but a less demand.

156. You say the cultivation of the country is improved, and tranquillity increased?—Tranquillity has generally increased, but the profits of the farmer is reduced, and therefore a remission of his revenue has become requisite.

157. Are the native powers in general consenting to a remission of the revenues in consequence of the fall in the prices of agricultural produce?—I can only speak with respect to Goozerat, the part that I was employed in : I do not think that they have made any remission to the degree that they ought to have done, but they have been obliged to make some remissions, because if they had not, their ryots would seek shelter in the Company's districts ; their vicinity affords to the ryots of the native states a place of refuge, and this asylum, which they can always obtain, tends materially to lessen the power that the native governments would otherwise possess of oppressing with impunity their ryots by over exactions.

158. Are you of opinion that that counterbalances the increased power which he has of collecting the revenue by the service of a more efficient force, which is subsidiary to it?—In a degree it does so, the force within the Guicwar possessions affords increased security to the subjects of it, while it also gives increased power to the ruler of the State.

159. What I mean to say is this, does the increased power which that subsidiary force gives it, is it counterbalanced by the facility which the vicinity of the Company's territory affords them of transferring their residence there, and of migrating from the State?—How far it operates in doing so it is very difficult to specify.

160. Previous to the employment of the subsidiary troops for collecting the revenue, is it necessary for the Guicwar to obtain the approbation of the resident?—Certainly, he cannot employ any part of the troops unless the resident concurs in the justice of the way in which they are employed ; he is not entitled to the aid of the force unless to obtain a just object.

161. Have the force been employed for collecting the revenue?—Never ; the Guicwar, by mismanagement, might excite a disturbance that would make it necessary to employ the forces to put it down, and to preserve the general peace of Goozerat ; we cannot deprive the Guicwar of the aid he is entitled to by treaty, but we have a right, which would be rigidly maintained, of not allowing our aid to be used for unjust purposes.

162. The only security then appears to be in the conduct of the prince?—While we have no control over his government it is so ; and it is the most difficult thing to suggest an effectual check against our protection being abused. So long as the resident

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resident had a control sufficient to influence the government, our protection could not have been made use of to a bad object; this control ceased with the life of the late prince, whose natural defects caused it; the succession of the present prince was accompanied by his assumption of the management of his own government, and our influence being limited to the fulfilment of our bhanderry contracts to bankers and other individuals.

163. Since what time is that?—Since 1820. I beg leave to refer the Committee to the Minute of Mr. Elphinstone, dated in April 1820; it will supply all the particulars that rendered it necessary for us to retire from a greater interference. Sir John Malcolm's Minute of the 1st March 1828, and his further Minute and his Journal of his proceedings at the Court of Baroda in January 1830, will furnish the Committee with a detail of all transactions with this State up to the latest period.

164. Is Sir John Malcolm's Minute published in his book?—No. There is a letter also of the 7th January 1820, from the Bombay government to the Supreme Government of Bengal, in which they take a full review of the nature of our Baroda relations, which would be also a useful paper to refer to.

165. Are you prepared to suggest any effectual check under the subsidiary system short of assuming the entire direction of the native forces?—I cannot suggest any plan. I believe experience has shown the impracticability of carrying on interference, with benefit to the people or the ruler, unless the prince will be entirely controlled by our advice; this is a species of management few independent princes will ever be reconciled to. Our political relations with Oude are similar to those at Baroda, and I believe all attempts to induce the king of Oude to make arrangements for an improved system of internal government have proved ineffectual, in consequence of the Prince being decidedly opposed to any degree of control that is calculated to lessen his patronage, or to limit his profits of management.

166. In point of fact, previous to the year 1820 our resident was himself the acting governor?—The ruling prince being, from his natural defects, unable to conduct the details of his government, they were managed by a minister and a regency, who acted under the advice of the resident, and the State was relieved from a great debt it had incurred. Under this control, by this period, could a similar system have been continued, it is probable the old as well as the new debt would have been paid off; but the result is now very different, as, after we withdrew from interference, the prince has not paid the loan contractors, but put the revenue in his private coffers.

167. Is not that very general in consequence of the interference, the prince having a private coffer of his own, independent of his public treasury?—In the Mahratta State it is frequently the case; I believe no state in India has derived so much benefit, both as affecting the government and the people, as the Guicowar State, from our interference. Soon after the prince was left his own master his government fell into disorder, and his avarice involved it in great pecuniary embarrassments.

168. Is that from profusion or avarice?—In this instance avarice impelled him to violate our guarantee. That offence would justify, according to usage, any degree of severity or penalty that Government might have thought proper to inflict, as the State

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State failed to fulfil its obligations to the bankers who had advanced loans on the faith of our bhanderry. This is a contract by which our government comes under an obligation to fulfil a mortgage on the annual revenues. The prince pledges a certain portion of the receipts of the government, or the revenues of particular districts, to pay it; we are bound, as the bhanderry, to use all the power we possess, if such becomes necessary, to enforce the fulfilment of this contract: we might confiscate. It differs from a guarantee so far, as if we had been guarantee, a pecuniary responsibility would attach to us, but a bhanderry obligation is limited to the enforcement only of the contract.

169. It seems to be the disposition of these princes rather to amass treasure than to waste it?—Their object is to accumulate private treasure and hoard it.

170. Do they lead a jolly life?—The present prince is not of a disposition to do so, or to spend money, as he is very parsimonious.

171. Is their object in amassing this treasure to provide for their family?—No, the treasure of this prince would be the property of his successor at his death: his family are provided for by the State.

172. It seems now to be more the continuance of inveterate habit than anything else?—The habits of all the Mahratta princes lead them to desire to accumulate treasure, as the possession of it gives them weight and consideration.

173. Can you inform the Committee whether it is a usual clause in the treaties with these princes to give a bhanderry for the public?—No clause in our treaties mention it; the practice we found to exist on forming a connection with the Baroda State: this custom was general throughout the Goozerat, and shows the mistrust of the people with respect to their government. In every contract between the prince and his subjects mistrust was so great that security was essential to produce confidence from those possessing sufficient power: the Arab zemindars were selected to be the security to every contract for money lent and the engagements of government, and we were obliged, as a condition for obtaining quiet possession of the fort of Baroda, to substitute our bhanderry in the room of that of the Arabs, which we removed.

174. Who stipulated for that?—Government. It is a point of honour with the Arabs not to withdraw unless replaced by a new security; their character is concerned in the observance of this rule; the native governments in Goozerat all observed this system for enforcing claims; in fact it was the only way in which all engagements were entered into and fulfilled.

175. For what time and in what part of India were you employed?—In the province of Goozerat.

176. In what department were you employed?—In the Revenue department for about 12 years, in the Political for nine years.

177. You were employed in the collection of the revenues for the districts ceded for subsidy by the Guicowar?—I was.

178. Will you mention the comparative state of the ceded districts compared with the districts under the direct sovereignty of the Guicowar?—The Company's districts are in a better condition, and both person and property are more secure.

179. The revenue of the Guicowar is in a most involved state?—It is embarrassed from the misconduct of the present sovereign.

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180. What is the revenue of the Ceded Districts now, are they in arrear?—It is impossible for me to state the arrears. The provinces under our direct rule in Goozerat yield about 38 lacs of rupees of revenue, but within that sum are included provinces that we have acquired by conquest from the late Peishwa.

181. Have the revenues of the Goozerat districts fallen off since they have been in our possession?—No, they have rather increased by increase of cultivation, and by the increase of population; the rates of revenue I believe have not been increased.

182. Have they been diminished?—The revenues have been diminished, and are diminishing with the price of produce; our system was not to increase but from new cultivation.

183. Is the general cultivation of the Ceded Provinces superior or inferior to that of the provinces in the direct dominion of the Guicowar?—Both are remarkably well cultivated.

184. Do you say there is any difference between them?—I think there is a greater increase of cultivation in the Company's provinces than in the Guicowar.

185. You consider the profits of cultivation to have diminished since the war, in what proportion?—I do; from the depreciated value of produce: it is felt particularly by those who have a fixed property, and who pay a fixed rent; their produce of course yields a less profit than it formerly did.

186. I think you said the value of the land in cultivation generally was decreased since the war in the proportion of about one-third, if I understood you?—Cotton had fallen in price, and so had grain; the market prices would be the best criterion for ascertaining to what extent; I cannot exactly state the degree, from memory, that they have fallen in the market.

187. You can only state that there is a considerable decrease?—Yes, a considerable decrease in the revenues, and a fall in the prices of produce.

Martis, 27° die Martii, 1832.

HENRY GALLY KNIGHT, Esq., in the Chair.

Colonel MUNRO, called in and examined.

27 March 1832.

Colonel Munro.

188. In what part of India were you?—In the Madras establishment.

189. Only at Madras?—Yes.

190. In what situation were you?—I was Resident at Travancore and Cochin for about ten years.

191. What opinion have you formed of the general nature and character of our subsidiary treaties in India and their effect on the good government in the respective territories to which they relate?—I may state that our subsidiary alliances appear

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appear to me eminently calculated to strengthen our military and political power in India. How far they may be conducive to the internal good government of the several states with which we are connected must depend entirely on the use we make of our influence over the administration of those states.

192. Are you aware of any states in which it was usefully exercised for the happiness of the inhabitants of the country?—Yes; in Mysore, while the late Sir Barry Close and Mr. Webb were residents, it promoted the prosperity and happiness of the country; and in Travancore, when I was resident, several measures were adopted at my suggestion for the amelioration of the condition of the people.

193. Were there any particular features in the possession of the resident with regard to these countries?—In Mysore there was a very able dewan, who acted under the superintendence of the residents. In Travancore I was obliged to take direct charge of the administration of all the branches of the government and to act myself as dewan, in consequence of the great difficulties and embarrassments in which all the departments of the state were involved.

194. Was that by native mismanagement?—By native mismanagement.

195. Previous to any subsidiary alliance?—Both previously and after it. The country had declared war against the British Government, and it was soon after the conclusion of peace that I was appointed resident. But no description can exhibit an adequate idea of the oppressive character of the native government of Travancore, and of the great embarrassments under which every part of the administration laboured.

196. You found great fiscal exaction and mal-administration of justice?—There was no administration of justice whatever; the Rajah was absolute; the dewan exercised in the most despotic manner all the powers of the government. There was a chain of officers, from the dewan to the meanest inhabitant, exercising also all the powers of government, judicial, revenue, and military; bribery and extortion prevailed in all parts; every officer of the government had authority to impose fines on the people at his pleasure; the property of the inhabitants was considered to belong to the Rajah on their death, and was only redeemed by very oppressive fines.

197. Were you authorized by treaty to take upon yourself that direct interference?—The treaty authorized the general interference of the British Government; but I assumed the charge of the administration at the express request of the Rajah, with the authority of the British Government.

198. In short, it was completely voluntary on the part of the Rajah?—It was at the earnest request of the Rajah.

199. With the concurrence of his subjects?—They were never consulted.

200. Have the kindness to state the changes that were introduced in consequence of your suggestions?—Many most oppressive monopolies and imposts were abolished, improved arrangements were adopted in the collection of the revenue, the powers of the public servants were limited and defined, a system for the administration of justice was introduced under their own laws, and all the debts of the state were paid off.

201. You made an attempt to introduce the Hindoo law?—That is the law of the country; no other law has ever been admitted.

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202. You introduced that because there was no law at all before?—Only: the arbitrary will of the servants of government; practically there was no law whatever, although the Hindoo law is the law of the state.

203. With what success was this measure attended?—In general the results were extremely satisfactory, and the administration, after these objects were effected, was delivered over to a native dewan.

204. Then subsequently did it go on well?—While the influence of the resident was employed in guiding the administration of affairs, it did go on well; but I have understood that latterly that influence has been very much withdrawn, and that affairs have relapsed into their former state of misrule and disorder.

205. And that the condition of the inhabitants is much less happy than it was?—I have understood so.

206. How long had you the charge of the situation?—About three years.

207. Between the years 1809 and 1812?—About the year 1811. I was appointed in 1810; I took charge in 1811; from 1811 to 1814.

208. What was the nature of their relations with this country?—It was connected by a subsidiary alliance, authorizing the British Government to interfere for the good of the people.

209. To an indefinite extent?—The degree of interference was not specified.

210. That was the treaty of 1795?—There were two treaties; the last was negotiated by Colonel now General Macaulay: I believe it was in 1805 that the last subsidiary treaty was made.

211. Those treaties authorized our almost indefinite interference?—They authorized our interference, without stating or imposing any limits to the exercise of it.

212. Was this treaty accompanied by any stipulation of military protection?—Yes; it was a subsidiary treaty, by which a military force was to be maintained for the protection of Travancore.

213. And in the country?—The Government, to the best of my recollection, reserved to itself the power to employ part of the force in the Company's territories, if it should be necessary.

214. This force was there while you were there?—Yes, it was; I have understood it has been since withdrawn by Mr. Lushington's government, but that the subsidy has been continued.

215. There was a subsidy as well as protection?—Yes, to pay the troops.

216. Was not the subsidy converted into a cession of territory latterly?—There was no cession of territory.

217. It was hard cash, in short?—Yes, and is now paid, since the removal of the troops.

218. You know that of your own knowledge?—I have understood so, it is only from information.

219. Have you reason to suppose the natives viewed your interference with satisfaction, when you took upon yourself the administration of the government?—I have every reason to believe they did; it relieved them from a most oppressive system of government.

220. What opinion have you formed on the subject suggested a good deal by Sir Thomas Munro, of employing a dewan in the management of a country?—A dewan

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dewan must necessarily be employed if the states preserve any appearance of independent government; while they retain the appearance of independent government the British influence must be exercised through a dewan.

221. Will the country be better managed indirectly through a dewan, or directly by a resident?—While the native states retain possession of the government of their territories it would be highly inexpedient that the resident should take charge of the administration; it is only in a case of great exigency that it would be necessary for the resident to assume the direct management of affairs.

222. Do you think a country is more happily and better governed indirectly through the dewan or directly by the resident?—It must depend on the character and capacity of the dewan; I suppose there would be a greater security for good government in the integrity and ability of a British resident; but that measure could be employed only in a case of great extremity; its permanent adoption would excite extreme jealousy, and involve, in fact, the subversion of the independence of a state.

223. Have you reason to believe that since the resident has exercised a less direct interference, the affairs of government have relapsed into disorder?—I have been informed so.

224. Do you recollect the amount of the subsidy?—It is eight lacs of rupees a year, and it is now drawn from the country without any return, as the subsidiary force has been removed.

225. Of course it is on the understanding that the troops shall be forthcoming in case of necessity?—Yes; but if no subsidiary treaty existed, we should find it necessary, from a regard to our own interests, to protect that country, both against foreign invasion and internal anarchy.

226. You seem to be of opinion that it would be more for the happiness of the natives to continue the subsidiary system than to retrace our steps?—We cannot abandon the subsidiary system without endangering our own security; and I consider that the employment of the resident's influence over the management of the affairs of the states connected with us by subsidiary treaties, (I understand, of course, when that influence is exercised with judgment and ability,) will not only be conducive to the happiness of the inhabitants of those states, but will in general be necessary to prevent oppression and injustice on the part of their governments.

227. What was the tenure of land in this country; did the zemindary system prevail?—The tenures are very various; a ryotwar system prevails, in which the most absolute property in the soil is recognised.

228. Were you resident at any other place?—No.

229. Have you any observations of a general nature to make, in addition to what you have given, to throw a light on the subsidiary system?—It appears to me that the subsidiary system is calculated to occasion misgovernment and oppression of the inhabitants, unless it is corrected by the influence of the British resident.

230. Then you think the disadvantage attending the subsidiary system can only be obviated by the personal character of the resident?—By the abilities and integrity of the resident.

231. Do

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231. Do you conceive in general the powers of the resident are too much restricted by the nature of the subsidiary system?—He generally acts under the instructions of his government, which vary according to circumstances; but a disposition has been manifested to abstain from interferences in the internal affairs of the allied states.

232. Without reference to such treaties?—Always with reference to the treaties.

233. The residents are in constant communication with the Government?—In constant communication; they report all their proceedings to Government, and act under its directions.

234. There are no stated times of communication?—No.

235. What sort of intervals did you usually have?—It depends entirely on circumstances; a week or a fortnight, perhaps only a day.

236. What was the longest time you were ever without?—Usually ten days or a fortnight, seldom more.

237. Had you never to wait for answers?—Yes; occasionally there was a delay in receiving answers.

238. Were you ever inconvenienced by the delay?—I cannot say that I was; points of urgency were answered with expedition.

239. There were no points in which it was necessary to refer home: they did not frequently occur?—No, they did not.

240. But sometimes?—They might occasionally have occurred. The Government took on itself to decide on matters relating to the local government that required immediate execution.

241. The other place at which you were resident was Cochin?—Yes.

242. What were the particular circumstances of that?—Very much resembling those in which Travancore was placed. I was obliged to take charge of the internal administration of Cochin also.

243. That had been in a state of maladministration?—Yes, in great confusion; and it had a very heavy debt to pay to the Company, occasioned by the expenses of the war in which it had been engaged against the British Government.

244. Did not a considerable part of the debt originate in a pepper contract?—No, the greater part of it was occasioned by arrears of subsidy, and by the expenses of the war, which those countries had to pay to the English Government. The contract for pepper expired before I arrived in Travancore.

245. The subsidy was paid in money?—Entirely in money.

246. At Cochin, likewise, you found almost the non-existence of justice?—The same general description will apply to Cochin as to Travancore.

247. And in the same way it was revised and improved while you were there?—Yes, the same remedies were employed, with similar results.

248. What proportion did the subsidy bear to the whole revenue of the country?—A very great proportion. I frequently applied for a reduction of the subsidy to the British Government, but without effect.

249. Do you conceive, in consequence of the extent of that subsidy, the country was impoverished so as to interfere with its produce?—Of course, greatly so. The revenues of the country scarcely amounted to seven lacs of rupees, and the subsidy was

was three lacs and a half. The removal of so great a quantity of specie from the country must operate injuriously to its prosperity.

250. What were the amount of the revenues in Travancore?—Twenty-eight lacs of rupees when I took the charge of it; they were raised to thirty-four lacs when I delivered back the charge of the government to a native dewan.

251. In the Company's territories, your idea is that too great a revenue was exacted?—Yes. In the same way I may state, that the drain of treasure from the Company's territories, without any adequate return from a balance of trade, must, in the course of time, produce very injurious effects to their prosperity.

252. You stated that the subsidy was heavy with regard to Cochin; do you consider it heavy with regard to Travancore?—Not in so great a degree as at Cochin, where it amounted to half of the revenue of the country. It was not much greater at Travancore than was necessary to provide a sufficient subsidiary force in defence of the country.

253. In Travancore and Cochin the only use of a subsidiary force is to protect it from external enemies?—Since the conquest of Mysore there is no external danger, excepting from invasion by sea; the presence of the subsidiary force prevented internal commotions. The country had been long subject to insurrections, which were the only remedy the people had against the cruel oppressions and exactions to which they were exposed. Frequent insurrections occurred before the British force was stationed there.

254. Do you understand that insurrections now occur?—I have been informed that discontent prevails; but insurrection is less likely to occur, because the government is supported by the British power.

255. Hence, you suppose, originates the necessity of Government interfering decisively, if it interfere at all?—Certainly; insurrection, which was the only remedy of the people, is now hopeless.

256. When these insurrections took place, having for their object to effect some mitigation in the collection of the revenue, did they ever succeed in their object?—Their success was generally limited to the removal of some very unpopular minister, and the abolition of any obnoxious regulation of the government, after which the march of affairs fell back into its ordinary course.

257. As a mean it was very ineffectual?—Yes, the government resumed their usual system of administration.

258. Do you believe these two countries were in a better or a worse state than the other countries of India; how would you say they stood relatively?—They were in a very miserable state.

259. Rather more so than the other parts of India?—I think they were, from the peculiar oppressive character of the government.

260. What are the peculiar features of the state of Nairs?—Their usages are very remarkable. They are Hindoos; marriage is not known among them; property is inherited through the females entirely.

261. Is it equally divided?—It is equally divided among the sons. There is great corruption and relaxation of morals.

262. That is peculiar to the Nairs?—Yes, on the coast of Malabar.

263. There

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263. There is promiscuous intercourse, and not marriage?—Not promiscuous intercourse; temporary connections are formed and dissolved at the pleasure of the parties.

264. The property goes through females?—Yes. The same rule applies to the government. The rajah's son does not inherit, but the eldest son of the females of the rajah's house.

265. Who would actually succeed him?—The eldest son of any of the females of the rajah's house. The Nairs are a brave and turbulent race of men, degraded, however, especially in Travancore, by great vices. Their character stands higher in the Company's territory in the north of Malabar,

266. Were there many British residents, and in what way were they occupied in Travancore and Cochin?—Some were employed in shipbuilding from the teak wood, and others in private trade.

267. And some were resident up the country in the interior?—Yes, they were.

268. And then you found that they did not ill-treat the natives?—Their conduct was always satisfactory; and they were found extremely useful in introducing the circulation of money in the country, and giving employment to the people.

269. You think it is so much for their interest to treat the natives well, that they do so?—It is so much their interest to acquire the respect and confidence of the natives, that their conduct is generally kind and conciliatory.

270. There is no foreign settlement?—Cochin had been a Dutch settlement, and Anjengo was a British settlement; the latter was under the resident.

271. Has the country improved during your residence; has the agricultural produce and the revenue also improved?—I have mentioned the increase of revenue: the commerce and agriculture of the country were greatly improved.

272. Did the revenue increase, notwithstanding the abolition of the monopolies?—Yes, it did.

273. Did the price of agricultural produce fall?—The free exportation of agricultural produce was allowed, and its price was not found to fall; it was prohibited under the old system, but under the new arrangements the freest exportation of all the productions of the country was permitted and encouraged.

274. Is it necessary to employ troops in the collection of the revenue?—Not while I was in charge of the administration.

RICHARD JENKINS, Esq., a Member of the Committee, examined.

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M. P.

275. WHAT situation did you fill in India?—I was originally a Writer in the Bombay establishment; I went to the College at Calcutta in 1801, from that I was appointed, in 1804, as an assistant to the Resident in Scindia's camp. On the death of the resident taking place, I acted for a year in that situation; and for the remaining nearly 20 years of my services in India I was Political Resident at Nagpore.

276. What opinion have you formed upon the general nature and character of our subsidiary treaties in India, and of their effect upon the good government of the respective territories to which they relate?—The question regarding our subsidiary alliances seems to require a short reference to the still more general one, viz. are we to maintain our ascendancy as the paramount power in India; and if so, is it
to

to be maintained through the means of subsidiary alliance, or through what other system.

The rise and progress of our power in India have been rapid and marvellous. Unlike other empires ours has been in a great degree forced upon us, built up at almost every step against our own deliberate resolution to avoid it, in the face, I may say, of every opposition which could be given to it by the Legislature, by His Majesty's Government, by the Court of Directors acting upon corresponding dispositions in our governments abroad. Each successive Governor-general for the last half century, sent from this country, with minds fresh and untouched by local prejudices, including Lord Cornwallis during his first administration, who went to India under the Act containing the well known denunciation against conquest and extension of dominion; Lord Wellesley, Lord Minto, Lord Hastings, (the two last strongly impressed against the existing foreign policy in India) and Lord Amherst, have seen reason to enter into wars and negotiations, defensive in their objects, but generally terminating in that very extension of territory and dominion which was dreaded.

What are we to infer from this, but that our position in India has always been such, that our existence has depended on the very steps proscribed by the Legislature, and which would surely have been most religiously avoided by those noblemen, had not the public safety demanded a contrary course; that at no one time for the last 50 years have our ablest and most enlightened politicians been able to find a resting-place where we might repose in security amidst the wreck of surrounding states, and that we are now perhaps in the same uncertain predicament, though all but masters of the whole of India.

With regard to the system on which this ascendancy, if necessary to our existence in India, is to be maintained, I have to observe, that a very great proportion of our power has arisen out of the subsidiary policy. It is indeed the main source of our ascendancy, both military and political; it has grown with our growth, and strengthened with our strength. It is interwoven with our very existence, and therefore the question of abandoning, or materially departing from it, seems to me to be quite irrational, unless we are at the same time prepared to abandon India.

We first appeared in India as traders, but it was as armed traders, and our various contests with our European rivals, the prospect of which rendered a warlike garb necessary to support our peaceful objects, were the origin of our military reputation in that region. Courtied even by the Great Mogul, and by the Sophi of Persia, as useful instruments to free their coasts from pirates, we acquired, as the price of our aid, many of those commercial advantages which fixed us on the continent of India. Then again the breaking up of the Mogul empire led to arming our factories, to protect our lives and properties. The same skill and gallantry which had at first won our way to commercial settlements, displayed anew, induced the native powers newly arising out of the wrecks of the empire, to court our aid in their contests with one another; and the views of securing and improving our commercial establishments, through the favour of those powers, forbade our refusing to intermeddle with their politics. Here the first step was the decisive one; once committed we could not recede.

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The French in the meantime had made still bolder advances to empire in India, and our destruction or their expulsion became the alternatives. Could we hesitate which to choose? We now began to raise armies. These were to be paid; and could only be paid by the princes whose cause we espoused against the French and their allies: pecuniary payments often failing, territorial assignments took their place, and we were obliged to exercise a civil as well as military power. Our whole dominion on the coast of Coromandel arose in this way, and much of that on the Western coast; and through it, and the armies it enabled us to maintain, the power of Hyder was checked, and that of his son Tippoo was annihilated: the French power and influence in the Deccan was destroyed, and the Mahratta empire brought under subjection. In Bengal, the acquisition of the Dewannee gave us the great nucleus of our power in that quarter; still it was extended and secured through the same system of subsidiary alliances applied to Oude; and in fact, if we examine the composition of our territorial acquisitions, we shall find that a very considerable portion of them has accrued to us in payment by the native states of specified numbers of our troops, amounting in revenue to the whole military expenses of Bengal, as the following rough Statement will show. The civil charges being deducted, the balance is given as applicable to military purposes.

1827-28.	REVENUES.	CIVIL CHARGES.	BALANCE.
	£.	£.	£.
Carnatic, in lieu of } Subsidy - - - }	1,404,343	493,279	911,064
Tanjore - - -	394,672	186,638	208,034
Nizam - - -	584,369	132,911	451,458
Peishwa - - -	estimated at - - -	- - -	430,000
Travancore Subsidy - - -	- - -	- - -	89,498
Cochin ditto - - -	- - -	- - -	22,857
Mysore ditto - - -	- - -	- - -	280,000
Guickowar - - -	382,796	147,170	235,626
Oude - - -	1,813,565	506,223	1,307,338
Benares - - -	778,533	232,359	546,174
Nagpore Cessions - - -	estimated at - - -	- - -	150,000
No Tribute - - -	- - -	- - -	60,000
Total Subsidies, and Cessions in lieu of ditto - - - } £.			4,689,049

If with these great advantages, and many others, we also experience some inconveniences from our subsidiary alliances, we must not complain; but I really see none of the latter to ourselves at all to be put in competition with the former. I do not believe that we have ever been engaged in a war in defence of our allies, which did not call upon us to interfere in their favour whether they were our allies or not. Whilst having the right to guide their political conduct in the minutest points, we are secure from any involvement in hostilities of an offensive nature through their ambition

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tion or want of faith, many other advantages of our alliances will be obvious on consideration of the general position of the several states and our own. Our subjects, I presume, derive benefit from any political situation which strengthens our power, and relieves them from the dangers of invasion; and by preserving peace and order amongst our neighbours, takes from before their eyes the temptation to a life of plunder and irregularity; settles their minds to a determined adherence to peaceable avocations, and opens sources of foreign trade to their industry and enterprize; and such is the result of the subsidiary system.

With regard to the effect of our alliances upon the native princes themselves, and their subjects, I would premise, that our alliances are such as were concluded with states that were at the time upon some footing of equality with ourselves, though led by some external danger to submit to certain terms implying a diminution of sovereignty, as the Nizam, the Peishwa and the Guicowar, or such as exist with states owing their very existence to our creation or forbearance, or those with inferior states whose internal independence in civil affairs we acknowledge, with certain exceptions inseparable from their subordination to us in military matters and in circumstances affecting the public tranquillity.

With respect to the first class, they have all obtained the benefit they sought, of security from external danger, by which they were left at liberty, if so inclined, to cultivate the arts of peace. The natural effect, however, of such a connection is to lessen the energy and self-dependence of the native state, and to induce it to neglect its natural resources, or only to cultivate them to the degree necessary to swell their personal treasures, with a view to contingencies, either of hostile attempts on their own part or on ours; and the result, speaking broadly, has been a gradual falling of the power of the state into our hands, (even where, by treaty, all interference in internal affairs has been prohibited,) whether from the weakness or the evil disposition of our ally, giving rise to dangers and disorders that would otherwise have dissolved the alliance, and caused the destruction of the state by a contest with us, or its own dissolution from internal or external force. These consequences, too, have occurred, in spite of our efforts to prevent them, at Hyderabad, whilst at Poona the success of such efforts has not prevented the forcible disruption of the alliance. With the affairs of the Guicowar we have been involved *ab initio* in a direct interference; and the necessity of reverting to it, after a trial of our opposite system, is the best proof of the evils of the latter, if not of the benefits of the former, only adopted from absolute necessity in the first instance.

With regard to their subjects, our support has given cover to oppressions and extortions, which probably, under other circumstances, would have driven them to rebellion; and such evils have only been remedied where we have been forced to a direct interference for the special purpose of remedying them.

The freedom from external invasion, unless accompanied with such interference, I should fear would hardly be a boon to the inhabitants; for with all the horrors of such invasions, especially by the Pindarries, they were usually well prepared to mitigate their effects in part, and in part to turn them to their own account in evading the exaction of their princes.

With regard to the second class of states, as Holkar, Mysore, Sattarah, Oude, and Nagpore, (not to speak of the states of Travancore and Cochin,) we have

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a formal right of interference with all but that of Holkar; and although with regard to him there may exist some grounds of exception to the conclusion, it appears to me that in all the considerations of the interests (I mean the real welfare, apart from the pride of independence) of the governments and their subjects, the benefits of direct interference and control will be found to predominate. In such cases, if we have the court, the highest classes civil and military, viz. the official classes, the great land-owners, and a few leading bankers against us, we have the middle and lower orders, monied, mercantile, manufacturing, agricultural, and even military for us.

The last class, as the states in Central India and Rajpootana, have undoubtedly received benefits from the connection with us, in being saved from destruction, or at least a constant state of depression and misery, under Mahratta, Pat'han, and Pindarrie domination, beyond that of any other state or people, and the increased cultivation and prosperity of those regions is a proof of it; still there are difficulties and hazards attending these connections which I am not prepared to go into.

If there be any class of states which may be supposed to embrace our protection with a certainty of its unmixed advantage both to them and ourselves, such states are the latter. The less we interfere with their internal concerns, I should say the less likely it would be that causes of discontent would arise; and free as they are, or ought to be, from the jealousy of our domination, having been always dependent on one power or other, generally on all who are stronger than themselves, yet the high military spirit of the tribes of which they are composed will hardly submit for a length of time even to the just restraint imposed by us on their hostilities with each other or their domestic feuds. Still we may hope to keep them attached to ourselves in a greater degree than any other class of our allies.

Of the latter I fear we can never be sure, through any course of policy, however liberal, but by the means of our actual military strength; and although it is, of course, just to do our utmost to keep them in their actual condition, as settled by trustees, and perhaps politic with a view to the alternative of bringing their dominions under our direct rule, and to other considerations of keeping up the respectable classes of natives as long as our institutions are at variance with that object, I am rather of opinion that, in all points of view, such an alternative is not the worst, if we regard our own interest, those of our own subjects or those of foreign states, whether governors or governed. Act as we will we cannot divest ourselves of the high station we are placed in without the danger and almost certainty of a complete fall; nor, were we philanthropic enough to view such an event with indifference, if conducive to the real good of India, can we anticipate any such consequence. On the other hand, the ebbs and flows of our policy, sometimes interfering for the people, sometimes withdrawing our protecting arm, are a positive evil both to the native princes and to their subjects, and injurious to our reputation for consistency and good faith, encouraging to our enemies, and mortifying to or even worse, disgusting to our friends. I am of opinion, then, that we ought not to recede from any step we have gained, but to improve every occasion legitimately presented, to compensate the inhabitants of India for the unavoidable evils of foreign domination, by securing to them the benefit at least of more enlightened, just, and humane principles of government.

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Placed in the midst of nations foreign to us, and inimical not only to us, but to every other people, by the extraordinary and exclusive nature of their religion, manners, customs, and habits, not to mention language, which hardly alludes to foreigners but in terms of contempt, and not taking into account those sources of hatred and jealousy common to all nations under a foreign yoke, and particularly to those native states who have fallen from a high estate to one of humiliating dependence, it is expecting I may almost say impossibilities, to look to any means of maintaining our footing in India, but by the cultivation and improvement of our intrinsic strength, to exclusion of all reliance on our foreign relations for anything but a gradual preparation for the entire conquest of the Continent.

Jovis, 12^o die Aprilis, 1832.

SIR CHARLES WATKIN WILLIAMS WYNN, Bart. in the Chair.

Major-General Sir JOHN MALCOLM, G. C. B., called in and examined.

277. WILL you state your opinion with regard to the effect of the subsidiary treaties?—I am aware that a very different opinion will be formed, connected with the policy and result of our subsidiary treaties, between persons who have judged them at a distance, and from records, however full, and those who have personally had an opportunity not only of being instrumental in their negotiation, but have seen them in all their results: the latter is my case. I consider, that from our condition in India, we have had in the Political Branch always an option of difficulties, and that our subsidiary alliances have been formed either for the purpose of defending ourselves through them against our enemies, or subsequently for maintaining that general tranquillity which we pledged ourselves to protect at their original formation. In the war in which we became engaged with Tippoo Sultan, we were obliged to form subsidiary alliances with the Nizam and the Peishwa, and without these alliances, we could not have protected our own dominions in the south of India from the invasion of that prince, much less have subdued so irreconcilable an enemy to the British Government. After we had taken this first step, the fulfilment of our engagements with good faith towards the Nizam, led to the subsidiary alliance with him being maintained and extended, for the purpose of protecting him against a combination of the Mahrattas. That combination assuming a hostile aspect towards our government, obliged the Governor-General of India, of the period I am speaking of, 1802, to adopt the best measures he could for enabling the British Government to resist the attacks with which it and its allies were threatened, from the policy and conduct of the Mahratta princes, Dowlut Row Sindia, Ragojee Bhonsela, and Jeswunt Row Holkar—rulers who continued to be influenced by the principles of predatory warfare, which are inherent in the constitution of

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of Mahratta states. The Peishwa Bajerow, who had long been solicited to enter into a subsidiary alliance, in order to protect himself, as well as us and our allies, against the chiefs of his own nation, was withheld by jealousy of the British power from contracting such an engagement, until an actual attack upon his capital forced him to fly to its territories for protection, and led to the treaty of Bassein. That treaty no doubt might have precipitated the hostilities that took place afterwards with the Mahratta chiefs in 1803 ; but I am quite confident, that war could not have been ultimately avoided, and that the continual preparation which we had been for several years obliged to make, in order to save us from attack, could have been ruinous to the finances of government. The result of our subsidiary alliance with the Peishwa, gave our troops military positions, before the war of 1803 commenced, within his territories, that insured a success which established for a period the peace of India ; and had our subsidiary system been then extended, we should have, I believe, avoided those subsequent horrors to the inhabitants of a greater part of India, and our subsequent expensive measures of defence, as well as the war of 1817 and 1818. These events, in my opinion, resulted from an attempt to adopt an impracticable system of neutral policy, which allowed the great herds of freebooters to become formidable, and to plunder and despoil some of the finest provinces of India, for a period of more than 10 years. About the same period, or rather before the treaty with Bajerow, a subsidiary treaty had been entered into with the Guicowar State of Guzerat, in order through that alliance to protect the possessions and maintain the tranquillity of that province. We had before made a treaty with the Nabob of Surat, and by the treaty of Bassein, some of the richest provinces of that country were ceded to the Government by the Peishwa, in payment for the troops which it furnished ; and by the result of the war of 1803, the rich district of Brooch was ceded to the Company by Dowlut Row Sindia, to form and maintain its alliance with the Guicowar, which was matured gradually, and without war or internal commotions of any consequence. The English Government found itself compelled, before it could effect the dismissal of large bodies of subsidiary Arab troops, which had long had a predominating influence at the court of Baroda, to gain to its support the numerous and influential creditors of the state, who held the security of the Arab commanders for loans advanced to the prince, and to give to those creditors what are termed boundary or guarantee engagements for the adjustment of the claims upon the native state. This arrangement, which gave to the Government the great advantages of settling without war the countries of Guzerat, has been since the fruitful source of that embarrassment which has attended the course of this subsidiary alliance, and of which I shall speak hereafter.

With respect to the state of Lucknow, subsidiary alliances, which commenced nearly 70 years ago, have undergone great vicissitudes. The working of these the Committee will no doubt receive from persons that possess more minute information than I do upon the subject. After the death of Tippoo Sultan, the heir of the ancient Hindoo Rajah of Mysore was restored to that country, and a subsidiary alliance formed for his protection, it being of course indispensable to protect a prince whom we had taken from a prison and placed upon a throne. There was also a subsidiary alliance with the petty state of Travancore. This is, I believe,
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a short account of the principal subsidiary alliances into which we entered before 1803. Subsequently to that date, we entered into a subsidiary alliance with the court of Nagpore, and in 1818 with that of Mulhar Row Holkar, both the latter states having been, from the events of the wars of 1803 and 1817-18, reduced to a condition in which they could not have supported themselves without our protection. We could not have abandoned the Nagpore state without resigning it to the enemies of the British, and I may say of all civilized governments, the Pindarées, as well as to the probable hostility of the Mahratta chiefs, Jeswunt Row Holkar and Dowlut Row Sindia. The young prince Mulhar Row Holkar, after the battle of Mahidpore, was in fact, though not in form, placed by us upon the throne, and the whole of his territories were in that condition, that it was quite impossible they could have been consolidated into a substantive power in Central India by any other means than through the arms as well as the influence of the British Government.

Having thus stated my opinion of the necessity by which we have been impelled to contract these alliances, I shall say a few words upon their general results. These have been very different in different situations, and have been very dependant upon the characters of the princes, their ministers, and I may add, of the British representatives employed at their courts. Several of those states had their countries relieved by these alliances from great and increasing evils. The territories of Mulhar Row Holkar, for instance, was one scene of desolation, and have recovered to one of prosperity with a rapidity that is quite surprising. Mysore for a long period of years improved under our protection, in all branches of its government, as well as in its resources; cultivation was increased, roads of an excellent description made throughout the whole country; and wheel-carriages, which had hardly ever been known, introduced to a very great extent, while the people appeared and were contented and happy. One of the most evil consequences which has attended our alliance in other parts was here in a great degree avoided; I mean the destruction of the chiefs and the aristocracy of the country, by our abstaining from any very minute interference, and by the prince maintaining, according to the stipulations of the treaty, a body of 4,000 irregular horse, under the same chiefs and officers, or their sons, who had distinguished themselves in the war of Hyder Ally and Tippoo against the British Government, and who have evinced for 30 years as much zeal, fidelity, and courage in contributing to the success of every subsequent war in which they have served in association with our troops.

To give the Committee an impression of the character of the commanders of this force, and of those men of whom it is composed, I can almost positively affirm, that during various wars, particularly the campaigns of 1803-4, and of 1817-18, through the whole of which they were in the field, and marched to the distant countries of Malwa and Rajpootana, that there is no instance of the slightest misconduct on the part of any of their high and respectable officers, or any instance that I know, and I was with them on both of these campaigns, of the desertion of one man from this excellent and most useful body of troops. The prosperity of Mysore in its internal administration, was no doubt in a great degree to be attributed to the prince being a minor when the state was established, and to the personal character of Poorneah, who was dewan or minister, an office he held with Tippoo Sultan, and to the experienced

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experienced and able men who having held office for a long period in that country were maintained in different high stations. Since the prince has come of age, I regret to learn that his habits of extravagance and his addiction to vicious courses have combined to give to his government a character of oppression and injustice, and to raise a feeling of opposition in some part of his subjects, which has led to the direct interference of the British Government with his administration. I am not acquainted with the particulars of these transactions, and can therefore only state my hope that they will not lead to the annihilation of this power, being fully satisfied that, upon the whole, the inhabitants of that country, and particularly those of the higher classes, have enjoyed a happiness and consideration superior to what I think our system of rule, and its character as that of foreigners, could have enabled us to bestow upon them. With respect to the Nizam, with which country I have been acquainted for 40 years, it was, when our first subsidiary alliance was formed, in a very distracted state, and continually subject to internal revolts of dependant chiefs, and to a dread of annual visitations from the neighbouring Mahrattas. It is difficult to calculate between the increasing evils which such a condition must have brought upon this state, and those which have undoubtedly been the consequence of our subsidiary alliance. There is no doubt that in this country our influence and support has paralysed the power of the prince, and given the sanction of our name, if not our authority, to the acts of oppressive ministers; and that much of what we have done and left undone appears to have had the same effect of deteriorating the happiness of the people, and the respectability and condition of some of its principal nobles. Many causes have led to this result, on which I shall not now expatiate; one very prominent has been the occurrence of wars, which forced us on measures that, though they might have promoted the success of our military operations, have injured the internal prosperity of the country. But nothing can be less calculated to enable us to form a true judgment upon such a subject than to dwell upon the evils which our system has created in a native state, without adverting to those from which it has been rescued, or looking prospectively to those in which it might be involved by our withdrawing from the connection, or substituting our own rule. The decision upon such points can never be made upon any general principles; they are, from the character of our power in India, and our not being a national government, practical questions, and must be decided in each case with reference to persons and localities, of which it is impossible to judge, except at the moment of their occurrence. This observation refers to our other subsidiary alliances, as well as those of the Nizam. My own opinion is, that the native state is only to be preserved, when connected with us by intimate ties, by suiting our conduct to its actual condition, and by attention to a general principle which equally avoids that fretting, constant interference that degrades men as instruments of rule, and ultimately destroys the government, through the means of British agency, and that abstinence from interference which inevitably leaves such states to destroy themselves. But considering, as I do, from all my experience, that it is our policy to maintain as long as we possibly can all native states now existing, and through them and by other means to support and maintain native chiefs and an aristocracy throughout the empire of India, I do think that every means should be used to avert what I should consider as one of the

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the greatest calamities, in a political point of view, that could arise to our empire, the whole of India becoming subject to our direct rule.

It is my opinion that no native state can exist if we exact a strict observance of the terms (in a literal sense) of the various alliances we make. It belongs to good faith to interpret our treaties with consideration to the sense in which they are understood by those with whom they were contracted, and with every indulgence to their ~~law~~ habits in such points; we can, I think, have no right, except under the most positive and clear breach of treaty on their part, to go in any shape beyond the spirit of our engagements, except on occasions where the public peace of the country under our general protection is threatened in a degree that calls for a change of rule as a matter of positive necessity, in order to preserve the tranquillity of our own territories and those of others. I mean, however, to exclude from this admission that right which has been often assumed with respect to our view of the comparative benefit that the inhabitants would enjoy under our rule, from that which they enjoy under that of their native princes. I am not, from my experience, prepared to admit this result is a general position to be founded upon truth. I particularly allude to the condition of those superior grades of society, without which I consider no community can long exist; and, in a political view, I certainly must apprehend much danger from the extinction of the higher classes. My reasons for this opinion are fully stated in my letter to the Secretary of the India Board (which is before the Committee) of the 26th March 1832. I have also stated in that letter that the native states, who still remain subject to our general influence and authority, but who exercise their internal administration in an independent manner, absorb many elements of sedition and rebellion which, in my opinion, must come into action if their power was extinct, and more certainly, as I should expect that an apparent state of peace might lead, from financial considerations, to the further decrease of our military force, on the very general but very false supposition often made, that because tranquillity is established in a particular quarter, troops are not required; when the fact is, that the tranquillity is referable to the establishment and continuance of that force, and its removal produces the evil which it was calculated to prevent. I have frequently heard it stated that it is consistent with the principles of good policy to increase the territories under our direct rule, and that upon the assumption that we can govern them better than their actual rulers. Some, indeed, assert that it is a moral duty to do so. While I deny the first position, I cannot understand that to argue for our rights to enlarge our Indian territories, on the latter ground, is in any degree different from a doctrine which would justify unlimited usurpation and conquest, on the vague speculation of improving the condition of a native state, by a process that commenced in destroying its established institutions and government.

278. In your opinion, was the substitution of our government for the misrule of the native princes, the cause of greater prosperity to the agricultural and commercial part of the population?—I cannot answer this in every province of India, but I shall as far as my experience enables me. I do not think the change has benefited, or could benefit either the commercial, the monied, or the agricultural interests of many of the native states, though it may of others. It has not happened to me ever to see countries better cultivated and so abounding in all produce

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duce of the soil as well as commercial wealth, than the southern Mahratta districts, when I accompanied the present Duke of Wellington to that country in the year 1803; I particularly here allude to those large tracts near the borders of the Kishna. Poonah, the capital of the Peishwa, was a very wealthy and thriving commercial town, and there was as much cultivation in the Deccan as it was possible so arid and unfruitful a country could admit. But there is no doubt that during the few last years of Bajerow's reign, he fell under the influence of low and wicked counsellors, and the inhabitants of all classes suffered oppression and injustice. This, however, was a temporary evil, and his conduct was in contrast to those of almost all his Hindu predecessors.

With respect to Malwa, I saw it in a state of ruin, caused by the occupancy for a period of more than half a century of that fine country by the Mahratta armies, the Pindarries, and, indeed, the assembled predatory hordes of almost all India; yet, even at that period, as I have stated in my work on Central India, I was perfectly surprised at the difference that exists between a distant view of such countries and a nearer examination of their actual condition. I had ample means afforded to me, as the person appointed to occupy that territory and to conduct its civil, military and political administration, to learn all that the records of government could teach, and to obtain from other sources full information of this country; and I certainly entered upon my duties with the complete conviction that commerce would be unknown, and that credit could not exist in a province which had long possessed, from its position, the transit trade between the rich provinces of Western India and the whole of the north-west provinces of Hindostan, as well as the more eastern ones of Saugur and Bundelcund. I found to my surprise, that in correspondence with the first commercial and monied men of Rajpootana, Bundelcund and Hindostan, as well as with those of Guzerat, dealings in money to a large amount had continually taken place at Oujein and other cities, where soucars or bankers of character and credit were in a flourishing state, and that goods to a great amount had not only continually passed through the province, but that the insurance offices which exist throughout all that part of India, and include the principal monied men, had never stopped their operations though premium rose at a period of danger to a high amount. The native governments of Malwa, when tranquillity was established through our arms, wanted nothing but that which the attachment of the natives of India to their native soil soon supplied them with, a return of the inhabitants. And I do not believe that in that country the introduction of our direct rule could have contributed more, nor indeed so much, to the prosperity of the commercial and agricultural interests, as the re-establishment of the efficient rule of its former princes and chiefs, who, though protected from attack, are quite free in their internal administration from our interference.

With respect to the southern Mahratta districts, of whose prosperity I have before spoken, if I refer, as I must, to their condition before the few last years of Bajerow's misrule, I do not think that either their commercial or agricultural interests are likely to be improved under our rule, except in that greatest of blessings, exemption from war, which while under our protection they equally enjoy, and I must unhesitatingly state, that the provinces belonging to the family of Putwarden and some other chiefs on the banks of the Kishna, present a greater
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agricultural and commercial prosperity than almost any I know in India. I refer this to the system of administration, which, though there may be at periods exactions, is on the whole mild and paternal; to few changes; to the complete knowledge and almost devotion of the Hindoos to all agricultural pursuits; to their better understanding, or at least better practice, than us in many parts of the administration, particularly in raising towns and villages to prosperity; from the encouragement given to monied men, and to the introduction of capital; and above all, to the jagheerdars residing on their estates, and these provinces being administered by men of rank who live and die on the soil, and are usually succeeded in office by their sons or near relatives. If these men exact money at times in an arbitrary manner, all their expenditure as well as all they receive is limited to their own provinces: but above all causes which promote prosperity, is the invariable support given to the village and other native institutions, and to the employment, far beyond what our system admits, of all classes of the population.

In Guzerat, which I never visited before 1830, I learnt from the records of Government, and much from the reports of those officers who had known it before, and who accompanied me, that the districts of this favoured province which have been ceded to us were to the full in as good an agricultural and commercial state as they are at this moment when that cession was made; but it is necessary to state that this province possesses so many advantages, and has been so completely exempt from wars and other calamities, that it has been subject to few of those violent changes which have visited other parts of India.

With respect to the provinces now in possession of the Guicowar, I travelled through most of them; they are very much intermixed with our own, and I cannot say that I observed in those I travelled through, any difference in their commercial or agricultural state. Indeed, there is one efficient check upon misrule; the ryots, if oppressed, would migrate into our provinces, where many have relatives residing and often possess lands.

The capital of Baroda itself has become, from various causes, and in some degree no doubt from the protection which our guarantee arrangements afforded to the monied men who were the creditors of the prince, one of the richest cities in point of commercial and monied capital that I know of its extent in India. The former capital of Guzerat, Ahmedabad, from its having been subject to a distant government, and latterly much oppressed by Trimbuckjee, the profligate minister of Bajerow, was in a deteriorated state when we received it, but I am glad to say that it is now recovering very rapidly, and promises to be more prosperous, both in its commercial and agricultural population, than it was before. The rich district of Barooch was in the highest state of agricultural and commercial prosperity when delivered over to us by the agents of Dowlut Row Sindia. It has, I regret to state, subsequently declined, owing to indifferent management, which was corrected by my predecessor, Mr. Elphinstone, and by most positive orders from England. It is now reviving fast to the consequence it has long had as a commercial and agricultural province.

With the districts of Oude I am not sufficiently acquainted to be able to give any opinion. The Ceded Districts from Hydrabad had been, before we obtained possession of them, a constant scene of petty warfare, owing to the distance from

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the capital, and being in possession of chiefs, with troops and forts, which the native government had neither means nor energy to reduce. The appointment of that most able and superior man, Sir Thomas Munro, to the management of these provinces has given them every advantage; but it is here to be remarked, that the means he suggested to restore them to prosperity could not be put in action till a strong military force had reduced the various usurpers and plunderers with which the country was then infested. These provinces have, from the causes stated, increased in commercial and agricultural prosperity since they came into our possession.

With respect to the territories of Mysore which, consequent on the death of Tippoo Sultan, came into our possession, I can only state, that from my own observations during two wars, those of 1792 and 1799, in which I was with the armies that entered that country, that however tyrannical the government of Tippoo had been in other respects, neither he nor his ministers could be complained of, as far as the general face of the country enabled us to judge of its cultivation, and the state of its general internal commerce. I think it however likely, without being aware of facts, that the Baramahal, Malabar, Coimbatore, and Salem, and Canara, and other countries we came into possession of on the fall of Seringapatam, are in a fully equal if not a superior condition, under our government, to what they were under that of Tippoo: I refer here to their commercial and agricultural state.

With respect to the territories of the Peishwa, the provinces of the Deccan have lost sources of wealth by the introduction of our power, which it is almost impossible for any good government on our part to restore. From the healthiness of this climate, and its favourable soil for the breed and food of horses, it always maintained and supplied a large proportion of the Mahratta army; and it was, from that and other causes, a country in which there was great expenditure, into which many luxuries were imported. The Deccan was also the native place of almost all the principal soldiers and princes of the Mahratta army; and from the residence of a court at Poona, and government of the provinces by the principal chiefs of the country, wealth was distributed among all the higher and many of the industrious classes, while the attachment of the Mahratta to the place of his birth, at whatever distance he might be employed, or however long his absence, sent always a share of that booty he gained, or that wealth he acquired, to promote the cultivation, or to add to the beauty of his native town or village. Under these circumstances, the deteriorated state of this country since it fell into our power is to be ascribed to causes which we cannot control; but every effort has been made to improve it, and the proportion of this country still left to native chiefs, and the peculiar indulgences and privileges granted to these during the administration of Mr. Elphinstone, have tended in some degree to counteract the depressive effects of our rule; and I state this particularly, because I am of opinion, that cherishing such persons and maintaining them in their present condition, and using them as instruments of improvement, is essential to the promotion of the agricultural and the commercial interests of that part of the territories. But I should here mention, that every effort has been made to introduce capital, and some new sources of industry have been created, and particularly the establishment of the cultivation of silk, which promises to be a source of future commercial wealth; but its introduction is yet too young to speak on this subject with any confidence.

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The Concan, which were also ceded from the Peishwa, and are the districts which intervene between the mountains called the Ghalet, which form the table land of the Deccan, and the sea, were in excellent condition when delivered to the English, particularly the southern Concan, which was a favoured province, from being the birth-place of the reigning family of the Peishwas, and many of the Brahmins employed by him. Circumstances arose to obstruct in some degree the prosperity of these provinces; but I am happy to state they are now fast improving, though I do not think they are yet in a better state than they were when we received them.

279. Are you of opinion that the admission of natives into a larger share of government, and perhaps the extension of such distinctions as the privileged classes of the Deccan enjoy, would tend to satisfy the wants and wishes of aspiring natives? —I am of opinion that no measures are so essential to the good government and preservation of our native empire as the advancement of the natives to a share in the administration: that has always been my opinion, and I have had a full opportunity, during the few years I was Governor of Bombay, of proving in practice the truth of the opinions I long entertained upon this subject. I had always considered, that to expect we could, through schools and colleges, do more than give the mere elements by which men would be enabled to fulfil, according to their acquirements, better or worse, the stations to which they might be named, was impossible; and it was only by introducing them into situations of responsibility and trust, and giving them our confidence, that we could expect to elevate their minds in a degree that would render them efficient aids to our government, and their becoming so, I consider, alike as essential in a financial and a political point of view. I was also satisfied that such encouragement was necessary to ensure the attachment of this class of the natives. My predecessor at Bombay, Mr. Elphinstone, entertained the same sentiments, and he had, both in the fiscal and judicial branches, given the natives employments, salaries, and powers, exceeding, I believe, what they then enjoyed in any other part of India. While I presided over the government of that settlement, these powers were so greatly extended, that at present every civil suit is tried in the first instance by a native ameen or judge, with appeal to an European session judge, and from him to the High Court of Sudder Adawlut. Some of those native judges, who are termed sudder ameens or principal judges of large cities, and the able native who is sudder ameen at Poonah, received, from pay and fees which were attached to his office, a sum, I believe, of not less than 800 rupees a month, which to a native is a very large amount. The other ameens or native judges of provinces received from 200 to 400, as far as I can recollect; but I will give the Committee as correct information as I can obtain upon this subject, my doubt being at present whether the fees they formerly had have not been commuted, as recommended, for fixed salaries.

In the fiscal branch, natives have also been employed with increased powers and liberal salaries, varying from 30 to 600 rupees per month. Referring to those public native servants and others, I deem it necessary here to state a regulation of particular importance. By the rules which I found established by my predecessor, no native in the public service, enjoying a salary of 30 rupees per month or higher, can be dismissed from his office without the sanction of Government. In the measures
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I adopted to combine education with the promotion of the employment of natives, a regulation was made by which all offices were divided into four classes; the first and second class being of those above the salary I have mentioned, while the third, termed pupils, were below it, and also the fourth, who are called boys. The latter were directed to be chosen from the best scholars of the principal provincial and other schools; these can be dismissed within two years by the person at the head of the office into which they are introduced, while pupils can be dismissed by the head of the department to which they belonged; the two higher classes only, as before stated, by Government. It is fixed, that though they were not to rise by seniority in the office, that no person could be promoted to a superior grade who had not passed the inferior; and by these means the great advantage was gained of encouraging natives of rank and influence to make their sons efficient and acquainted with their duty before they had charge. This rule limited patronage, but gave great encouragement to education, and promoted the efficiency of the service.

The privileged classes of the Deccan were established by Mr. Elphinstone, on the representation, I believe, in the first instance, of some of the principal Mahratta chiefs, who assumed the implied obligation from the proclamation issued by Mr. Elphinstone, in 1818, to protect them and the nobles of that country. This protection was desired against the processes of the adawlut courts and other English courts of justice, of whose forms as well as rules they stand, from the condition of the community and their habits, in peculiar dread. Mr. Elphinstone, with a view to meet what he deemed the just expectations of these chiefs, and to reconcile them to the British rule, formed the privileged classes: the first of those classes included the highest chiefs, with whom we had entered into engagements, who had considerable territories, and in the internal administration of which they were continued independent. They were wholly exempt from all processes of our provincial courts. The second class were jagheerdars or chiefs, not so high as the former, but who possessed heritable lands, and had held high rank under former governments. These were made exempt from ordinary processes, and permitted to answer any suits against them, through a vakeel or agent. The third class are subject to jurisdiction, and obliged to attend in person, but are entitled to courtesy in a variety of forms connected with summonses, and have also individual privileges to which they attach the highest value. A civil officer of rank was appointed what was deemed sirdar agent, and through him all matters connected with the privileged classes were conducted. This public officer attended to all processes, claims and petitions from or against these chiefs, which do not fall into the ordinary courts. The duties of this agency are combined with those of the principal judge at Poonah, but he has for this part of his jurisdiction the aid of a deputy or civil officer of experience, and holds a distinct court for all cases connected with the interests and rights of the first and second class. To the third class several persons have been advanced. It includes some of the highest servants of Government, who have distinguished themselves in various ways; merchants even who have rendered themselves eminent by their public works, have been promoted into it; and on a late occasion a banker was raised by me, on account of his having, in accordance with the desire of his deceased father, built a bridge over a river near Poonah; a gold medal with a bridge engraved upon it was given at the same time. The ceremony took

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took place at a crowded durbar I held at Poonah for the purpose ; nothing could exceed the gratification of the individual, and the effect produced on all present. Another inhabitant of Poonah (a parsee) has since received a similar honour in reward of the zeal and liberality with which he employed his capital in aiding a very skilful Italian in the introduction of the cultivation of the mulberry plant and the manufacturing of silk. It is impossible to describe the value that the higher ranks of natives give to this separation from the other classes, which has been made by the English Government, and its value is greatly increased to our own public servants, in the estimation of the civil and military, from its associating them with men of the highest rank. A gallant old subadar-major (the name of this old and distinguished native officer is Purserain Sing), of fifty years standing, distinguished for his bravery, when he had conferred upon him his commission for the command of a hill-fort, received personally from me at the same time a horse and sword, in the name of the Government. He was also created a member of the third class of the privileged order. The ceremony of his investiture took place at Poonah. The Commander-in-Chief was present, and the troops drawn out, in honour of the native officer and several others receiving the rewards of long service and valour. The elevation of this old soldier to the privileged class, appeared to gratify him more than any other mark of distinction ; “ I am now,” said he, “ on a footing with the jagheerdars and sirdars of the Deccan.” I mention this fact, as a proof of the great value natives give to such distinctions.

Martis, 17^o die Aprilis, 1832.

The Right Hon. CHARLES WATKIN WILLIAMS WYNN, in the Chair.

Major-General Sir JOHN MALCOLM, G. C. B., a Member of the House,
examined.

280. How far, in your opinion, has the substitution of our government for the misrule of the native princes increased the happiness of the agricultural and commercial classes ?—Generally speaking, the boon of protection and peace which our government, from its strength, gives, must render it beneficial to a great proportion of the agricultural classes, and so far increase their happiness ; but from this observation must be excluded the heads of those classes, such as desyes, deshmookhs, patells and other principal hereditary district and village officers.

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281. What do they at all correspond to in our country ?—They were hereditary district and village officers. Under the native rulers, many of this description of men had consequence, and often rose to considerable wealth and power. Under us, even when they continue to exist, they have no prospect of rise, and are reduced often to comparative poverty by the subdivision of property which takes place under the Hindoo law, having to support their brothers or sons in idleness.

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For these, under native governments, they almost always obtain employment from individuals or government, and this enabled them to continue in management, if not enjoyment, of the small portions of land that were the property of the younger branches, and relieved the superiors who held office from the necessity of contributing further to their support. These heads of the agriculturists have had in all our provinces where they remain their condition deteriorated, and must, from their feelings and cherished recollections of the situation of their forefathers, have had their happiness decreased by the introduction of our power. Much has been recently done, but more is required to raise this class, particularly the patells or heads of villages. I consider it a political object of importance to attach the superior classes, from the head of a principality to the head of a village, to our government, and to use them as our chief instruments for the administration of our Eastern empire. We have destroyed or depressed those heads, and particularly those of the agricultural class, on the ground of their abusing their influence and power in oppressing those below them. Had we maintained them, and established a strict control over their conduct while we treated them with indulgence and consideration, we might, I think, have reformed their habits and retained the incalculable benefits of their influence over the various classes of society to which they belong. But before our information or knowledge of the various classes of our subjects was complete those entrusted with authority, shocked no doubt at the oppressions exercised by the hereditary officers, which were exaggerated by petitions and by the representations of interested natives in the employ of European public officers, hurried to the work of demolition before they had maturely considered that of reconstruction. The consequence has been constant changes of system; the frequent introduction of persons into office who are strangers to the province in which they are employed, and are often men of low birth, without local character, and having no recommendation but quickness at their business in the cutchery or native office of the collector. These command no respect from those placed under their authority. There are besides other underlings of the European collectors and magistrates, such as peons with badges, taken from the very dregs of society. These underlings, proud of their upstart power, and the badge of their European employer, are too prone to insult the higher classes of the community, and their conduct tends to alienate the attachment of them to our rule. The underlings to whom I have alluded have little alarm at detection, for they are too useful to the inferior native officers to be much restrained by them, and the enlarged duties of the European superior makes it impossible he can supervise the whole of the province entrusted to his management. These persons, it is also to be remarked, were generally men whom even detection and punishment could not place much lower in the scale of society than they were before they were employed in the public service. Much has been done of late to remedy this evil, which has in its operation tended greatly to decrease the happiness and content of the higher classes of the agricultural population of many of the provinces of India subsequent to the introduction of our rule. The principles we have adopted have, in many cases besides these stated, operated very injuriously on their actual condition and in repressing their future hopes; and regard for the happiness or welfare of this class of our subjects, as well as our political interests, alike demand that they should meet with more attention and consideration than they have been, and

and be used as they might be, as the most beneficial aids in the fiscal administration of their native provinces.

The mass of the cultivators enjoy tranquillity, and therefore are benefited by the change. They are very sensible to the blessings of peace, and they may be said to have had their happiness increased from that being more permanently settled by the introduction of our rule. They are a submissive and quiet race, unless in cases where their claims to lands are at issue. Their attachment and allegiance to the British government is of a very passive character, and they never can be calculated upon as aids on the occurrence of war or revolts; on the contrary, the strongest feeling they have is that of a superstitious character, and would be more likely, if excited, to be against us than for us. The commercial classes of India have been decidedly benefited by the introduction of our rule; more, however, from the tranquillity we have established than the protection we give, for, with very rare exceptions, this class of the community receive efficient protection even from the most despotic of Asiatic princes, who are restrained from oppressing them by a knowledge that they can inflict injury or injustice upon no individual of this class that does not vibrate throughout the whole, and is consequently calculated to diminish one of the greatest sources of wealth of their government. It is here to be observed, that the commercial class are a body of men from whom, although we may increase their happiness, we cannot expect that a sense of gratitude will ever produce results that will give us any efficient aid on the occurrence of emergencies, as they are men of such pacific habits, that they almost invariably shrink from mixing themselves in any way, even through their influence, in case of any revolt, sedition, or wars. There is a considerable portion of this class, which I shall best describe by terming them the money dealers, whom I do not think have had their happiness (which is associated in their view particularly with their personal interest) advanced by the introduction of our rule. These often rented large tracts of countries, and were in all cases associated with the ryots in the cultivation of the soil under native governments. I have explained the working of this system very fully in my Memoir of Central India. It was in many respects beneficial to the prosperity of the country; and they have been too generally condemned by us on grounds that I think are not well founded. These money dealers we often find on our records reprobated as usurers and extortioners, who live on the fruits of the industry of the cultivators, whom they are described as oppressing. Many public officers have taken an almost exclusive view of the evils of this system, and have not given, in my opinion, the consideration it merited to the great benefit that was derived from introducing and keeping capital in the country, the good of which the cultivators as well as the government are always certain to reap in one way or another. I have elsewhere * fully stated the checks that prevented these money dealers oppressing the ryots, much less their adoption of any measures calculated to ruin them. I have shown that their profits, which might be great for one year, were by bad seasons reduced to little or nothing the next; but under all circumstances, it became their interest to support the cultivators, for without these were contented and equal to the

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* *Vide* Memoir of Central India, vol. 2, Revenue Chapter, p. 1, for a full account of the revenue system under native government.

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the duties of their condition, it was quite impossible the monied men could continue to derive any profit from the connection.

A plan is now in progress for equalizing the currency in gold, silver, and copper over all India, which will no doubt have many good effects; but it will injure the interests, and with that decrease the happiness of a very numerous portion of the commercial class, I mean the shroffs or money changers, whose profits, in a considerable degree, depend upon the vast variety of different coins now in circulation throughout the whole Indian empire. While I state this fact in answer to this query, I by no means intend it should be inferred that the partial injury to the interest of the shroffs merits a moment's consideration. The simplifying and equalizing the currency of India will be attended with equal benefit to Government and to the community at large. In reference to this and former queries, I must here make some general observations. Our great error in India appears to me to have been a desire to establish systems founded on general principles, in all branches of our administration, that were often in advance of many of the communities for whose benefit they were intended, but by whom they were neither understood nor appreciated. In our precipitate attempts to improve the condition of the people, we have often proceeded without sufficient knowledge, and been in many cases obliged to retrace our steps with great disadvantage to our own interests, as well as disturbance to the happiness and confidence of our native subjects. The vast difference in character and condition of the inhabitants of the various provinces of our dominions has too often been overlooked by those who were eager for the introduction of favourite plans; and I have been led, by what I have seen, to apprehend as much danger from political as from religious zealots. If the latter at times create alarm to the natives from infringing their superstitious observances and religion, the former unsettle their minds by the introduction of principles and forms of administration foreign to their usage, and at variance with long established habits and prejudices. We should proceed with much caution, for the natives never appear to forget that we are strangers; and I have observed, that throughout the provinces of the interior every report, however improbable or unfounded, that gives a rumour of change, is listened to by all classes, even to the lowest, with unaccountable attention; they attend to and circulate idle and false prophecies respecting future political events, that are of the most extravagant nature. This I think shows a general impression regarding the character of our government, and a disposition to believe that it will not be permanent. We are slow to credit this fact, and draw deductions of the existence of a contrary feeling from the comparison we make of the superiority of our rule over that of the natives, for which it was substituted. The sentiments we entertain on this subject are re-echoed by the natives around us, and with whom public officers in general communicate; but much experience has satisfied me that this will be found a very dangerous delusion, if it ever makes us cease to place our chief reliance on our military power, or to decrease our efforts to merit the attachment of our Indian subjects, by the strictest attention to their usages, prejudices, and religions; and above all, if it encourages us to innovation, or to a premature introduction of improvement in the forms and substance of those parts of our administration which is likely to affect the happiness or interests of any part of the population. ■

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The higher classes of natives, including all those of the military tribes, who are very numerous, although they enjoy tranquillity and protection from our system, have not the value we suppose for these blessings, particularly when they see that our rule is incompatible with their advancement, and with the attainment of those objects to which they deem themselves born, and have been accustomed from habit to look. In the actual condition of India, unless our administration is so constituted as to give to these classes consideration and employment, as far as is consistent with the nature of our government as foreigners, I must anticipate frequent revolts and seditious movements, and no person but one who has been accustomed to see these in progress can form an idea of the rapidity with which they spread. Every one of such revolts may be considered, however trifling in its origin, as a crisis; for unless immediately subdued, those impressions on which our rule so much depends, are greatly impaired, and the local peace of the quarter in which they occur seriously endangered. Add to this, that while those who desire to throw off the yoke of foreigners are bold, energetic, and enterprising, those whose happiness our rule increases, and who would, from their being attached to peaceable habits, desire its continuance, are unlikely, under any changes that I can contemplate, to be imbued with that zeal and attachment to our government that will enable them to be an efficient aid in repressing those who must continue disposed to subvert it. I state these results of my experience in our relying too implicitly upon sources of believed strength, that will fail in the hour of trial.

282. What is your opinion as to the tyranny of the native princes when left to themselves, particularly with reference to the agricultural and commercial classes?—The tyranny of the native princes over the classes stated in the question, depends much upon the character and power of the princes; but in general I should state, that even with the worst of those princes, (excluding, of course, adventurers and plunderers who have temporarily assumed that rank) there is not that oppression even of the agricultural classes which would appear from a general view of the power of the one party to oppress, and the apparent inability of the other to resist. In all native governments there is, in the first place, a just estimate of the value of a good name. There is also the greatest regard for district and village institutions, and any attempt to injure the ryots seriously is sure to be attended, if upon a large scale, with open opposition; if on a lesser one, with a decrease of the revenue, through the discontent and often desertion to other states of the cultivators of the soil. The heads of villages also, when a prince or his minister are oppressive, enter into collusion with the collectors to defraud the revenue, and these again connect themselves with the principal officers at court, and sometimes with the ministers, who, gained by bribes, grant them their support, and a diminution of the actual revenue is often effected, which more than balances any unjust imposition that has been laid on the country. There is, in short, in many cases relief from tyranny, through the arts and frauds of the village officers and cultivators, and of those who have the immediate collection and receipt of the revenue, and this not unfrequently operates as a check, when others are wanting, on the misrule of oppressive and unjust rulers. When the prince is of a just character, I know of no system that I ever read of or saw for the collection of the public revenue, that is more calcu-

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lated to be beneficial to cultivators than that established under native administration in India, particularly that of Hindoo princes. And I could here mention many countries which, for a great number of years, enjoyed as much prosperity as could result from the best and most paternal rule. The opinions we form of the great oppression practised by native princes upon the inhabitants of the agricultural classes are, I know, from its having been on many occasions my duty to make specific inquiries into the facts, much exaggerated. We receive them from discontented persons of the country, and sometimes from those who are anxious for change from their own personal advancement being concerned ; and we often judge them on principles little applicable to the condition of the government or community on whose interests and actions we are called upon to decide. I can only further state, that if the effects of our own rule were to be considered by any other judges upon the same data that we so frequently condemn those of the natives, we should be considered as persons who had practised great oppression. Without referring, as I could, to proofs of the truth of this assertion of an old date, I have within the last four years had frequent opportunities of seeing in countries in which every effort had been made to satisfy the inhabitants, and to establish our rule on the best and justest principles, loud and almost universal complaints, in many districts and villages, against what they deemed oppression and injustice ; and in several cases the inhabitants of districts and villages have left their homes to seek the Governor of Bombay in a body, abandoning their wives and children, and their houses for several months, to obtain relief from what they deemed injustice. I mention this fact to show, that all governments are liable to such imputations. In most of these cases I have noticed there was little real foundation for the clamorous complaints that were made ; and they proceeded chiefly from a desire of forcing government by such means to the lowering of the assessment, or to a change in the mode in which they were governed. The body of the complainants, I found, were generally influenced on these occasions, as I believe they are in many similar ones under the native rulers, by a few interested and seditious individuals. In cases where military adventurers, like the late Jeswunt Row Holkar and the Pindarries, retain power over large tracts of country for a very considerable number of years, although the cultivators were not annihilated or wholly driven out of the country, they suffered great oppression : and in the Nizam's country, circumstances have created, I believe, a great deal of misery to many of the agricultural inhabitants. With regard to the commercial classes, I have before answered this question ; they have much influence under native governments, and have many checks upon tyrannical power, and have in many cases many more opportunities of enriching themselves than they have under our government. Their influence is greatly increased by a number of the principal men, and particularly the bankers, being of one sect, that of Jain, who are associated, however scattered throughout India, by the most intimate ties ; and the consequence is, that they act, in all cases of tyranny and oppression, with a union that gives them, as a body, great strength. The Bovals are also a numerous and united commercial class in several parts of India. I must, however, referring to these classes, observe, that their being free from the effects of tyranny and oppression depends upon their keeping themselves clear of all government employment ; for from the moment they become servants, or are employed by the

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State, they are much at its mercy; and in the difficulties and embarrassments they bring on themselves, or the oppressions they suffer from that cause, they do not receive the support they would from their brethren if they had limited themselves to their commercial concerns.

283. Have you not expressed your opinion, that it is on the happiness of the people that the prosperity and continuance of our empire mainly depends?—I make no doubt I have expressed that opinion often; and that is what always has rendered me so anxious, that in the shape as well as substance of our government, we should adapt it as much as it is possible to their understandings, to their usages, and to the feelings and impressions under which they act, and by the gratification of which, on such points, I consider their happiness can alone be promoted, and their attachment secured.

284. Is it your opinion, that from the complete change in our situation within the last 15 years, a re-construction of our local rule is necessary?—I am decidedly of that opinion.

285. What, in your opinion, would be the nature of that re-construction?—I consider that the natives of India, provided a rule is calculated, upon the principle I have stated, to promote their happiness, neither care nor understand much with respect to the shape we may give it, as far as it affects the European parts of our establishment. With respect to the latter, I do conceive that the changes that have recently occurred require greater power to be vested in the persons entrusted with the general government of India, and that authority should be more concentrated than it now is in individuals who have the charge of the large divisions of that empire. I consider that the vast population of India, and the nature of our government, make it as inexpedient as it is unwise, both in a financial and political view, to continue to administer that country by that multiplicity of European public officers hitherto employed; and I consider the numerous local checks which we have desired to establish, when our territories were more limited, to be impracticable in our actual condition. We should afford ample means of administering this vast country to those who are placed at the head of its separate branches, and who rule over different parts of the empire. From the magnitude of our territories, we are compelled to invest them with great power; but I must consider that such a system, though it confers authority and distinction on individuals that will render them more equal to their duties, in no degree removes them from the strict supervision of their superiors; while their minds are elevated by the great trust reposed in them, they will act under checks equally as efficient, if not more so, than those that now exist. I have, however, stated my sentiments upon this subject in my letter to Lord William Bentinck, which forms an enclosure of a letter to Mr. Villiers, the Secretary of the India Board, and is on the table of the Committee. I can only add, that I think the period has arrived when this subject should be taken into immediate consideration.

286. Is it your opinion that no war has been undertaken which, in your judgment, might have been avoided?—I have for a period of nearly 40 years been employed in the Political department of India, and with the exception of the war of Nepal, and, with the Burmese, when I was not in India, I have had opportunities of forming a judgment on all the others that have occurred; and though I believe

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believe there were some which might have been evaded for one or two years, with increased danger to the English Government, yet I am decidedly of opinion that no war has been undertaken that could have been avoided.

287. Is it your opinion the establishment of our supremacy has enabled us to make great military reductions?—We have within the last three years made as great reduction in our military establishment as I consider consistent with policy or even with safety; for though there is no power in India of sufficient strength and means to engage in a general war with the British Government, the increased extent of the countries to which we must afford protection requires us to keep up a large military establishment, otherwise we shall be exposed to revolts or risings in the quarters from which they are withdrawn, and these will have besides other consequences, that of increasing our military expenditure in a degree far beyond any saving that could be effected by further reduction in this branch. It is, however, necessary to add, that the great reduction which has been recently made could not have been effected had either the Mahomedan power of Tippoo, or that of the Mahrattas and the Pindarries continued in the condition which they were previous to the wars of 1799, 1803-4, and 1817-18. And I must further state, that the defensive system we long pursued compelled us to military preparations, which were attended with all the expenses of war, without giving us or our allies that security which has been the result of success.

288. Then is it your opinion that the government in India, in obedience to maxims from home, wasted millions upon a mistaken system of defence?—I consider that while upon particular occasions expenses may have been increased by attention to these maxims, that upon the whole they have had a beneficial effect, not only as being consistent with our interest, which it has never been to increase our territory to too great an extent, but as it became of consequence in every point of view that our progress to power should be gradual, and also that the natives of India should be satisfied that nothing short of necessity would make us depart from those rules of policy which we had professed since the first day of our occupying territory in India.

289. Do you conceive that they can understand any rules or principles of policy which can put any boundary to conquest?—I do not mean by what I have said to say that the natives give us credit for motives to which they are such strangers, as having the power to increase our territories and not doing it; but I believe that their princes saw that we were limited by attention to treaties, and by never acting as other conquerors had done, except upon the ground of aggression; and that they often refrained from a line of policy they might otherwise have adopted, had they believed we sought every opportunity of aggrandisement through extension of territory. In this view, the maxims by which we were governed have had a salutary influence upon their minds. Independent of what I have stated, it is my opinion, that those often-repeated maxims by the authorities in England against the extension of her power, have, though they could not arrest a progress which was caused by circumstances over which neither the authorities at home nor the local government had any control, in many cases, had a good effect in rendering our advance slower than it otherwise might have been. It has given time for gaining that knowledge of the inhabitants of India of all classes, as well as of the country, which

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which has rendered us fitter to govern the territories that have become subject to our power. There cannot be a stronger proof of this benefit than the acknowledged difference between those systems of administration over countries which have lately fallen under our rule, and of those for which we proceeded to legislate in the earlier periods of our rule.

290. How far has the increase of population corresponded in those parts of India which are under our immediate control, and those parts which are not under our immediate control?—I cannot correctly answer that question. The increase of the population of India has always depended, as in other countries, upon the supply of food, and the comparative tranquillity which it has enjoyed; and I should consider that of late years it must have increased in an almost equal ratio in the states of the native rulers who have enjoyed peace and those under our immediate rule.

291. What is your opinion of the situation of the country of Kattywar and Cutch?—The province of Kattywar, which lies between that of Guzerat and Cutch, stretching along the sea-coast from the Gulf of Cambay to the Gulf of Cutch, and bounded to the west by the Desert, has been from time immemorial subject to a great number of Hindoo princes and chiefs. These have always paid tribute, or given service to the native sovereigns, who were considered as their lords paramount. Our first intimate knowledge of this country was caused, many years ago, by its being the source for supplying our cavalry with a very superior breed of horses, which are produced upon its sandy plains. We succeeded, by the treaty of Bassein, to the power of the Peishwas over a part of Kattywar, and all the rights of the Guicowar prince have been recently made over to us for the purpose of liquidating his debts. We have by these means become the lords paramount of the country, which imposes upon us a duty very difficult of execution. A full account of this country will be found in Mr. Elphinstone's minutes, and of mine of the 24th of September 1830, and also in that of the 30th of November 1830, which comprises a summary of every branch of the administration, and is before the General Committee. The numerous chiefs of Kattywar have all separate authority over their own territories, and by their general engagements with us, their lands are forfeited if they do not protect the peace of their respective possessions. This many of them have not the power to do, and much embarrassment has been created by our having hesitated in exercising that authority which the native rulers had done, as lords paramount, in punishing criminals whose condition in life, or family connections, made it dangerous for one of the petty chiefs to attempt to bring such criminals to justice. By late arrangements made in 1830, the political commissioner of Guzerat has had this country placed under his authority, and the political agent who resides in Kattywar is under his orders. The political commissioner is directed to visit this country twice every year, and to hold a criminal court, in which he presides, having in aid the political agent and three or four of the principal chiefs of Kattywar, as assessors, for the trial of those state criminals whom it is considered the chiefs have not the power of bringing to justice. The sentence upon any one of these, of death, cannot be carried into execution without the confirmation of the government of Bombay. This plan was adopted as the only one which could enable a great proportion of the chiefs of Kattywar to fulfil their engagements and maintain their principalities in peace; and I earnestly hope that we shall, by it and other

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other arrangements with this high and independent body of military chiefs, be able to avoid, for a long period of years, their falling under the ordinary rule of the British Government, an event which I should greatly deprecate. Their being under our direct rule would bring no benefit to the revenue, or at least none equal, after the expenses it would involve were paid, that could much exceed the tribute which is now punctually paid; and our subjection of them to our courts of justice, and our revenue collection, would not only be attended with internal troubles, but make the most dangerous impression upon the minds of all the military classes to which they belong; along the whole western frontier of India up to the proximity of Delhi, but cause an increased jealousy and dread of our power, that would be very injurious to our local interest in Cutch, Sindé, and on the banks of the Indus, from which Kattywar is only separated by the Desert. We maintain a small body of troops within this country for the protection of its internal peace; but they could not be better situated as belonging to the force necessary for the defence of our western frontier, as Kattywar is much healthier than any part of Guzerat. With regard to Cutch, which is only separated from Kattywar by a narrow arm of the sea, and by what is called the Runn, a sandy desert periodically overflowed by the sea, it is governed by a prince who is the head of the Jarajah tribe of Rajpoots, too celebrated for their crime of infanticide, which it has been an object, through negotiations and engagements with him, his chiefs, and those of his tribe in Kattywar, to eradicate. This small principality has been for many years exposed, from its position, to attacks from Sindé, and from plunderers called Khosas, who inhabit the eastern side of the Desert, by which it is bounded. From these alarms, and from the misrule of its princes, Cutch has been for many years a scene of crime and confusion: it is, since we have formed a subsidiary alliance with it, in the enjoyment of comparative tranquillity. Our troops stationed within its limits have been lately reduced, and the expense we are at to afford it protection exceeds, by a very trifling amount, the sum that is annually paid us by the government. I deem this country from its position to be of much political importance, and that is greatly increased by the recent discovery of the Indus being navigable to steam vessels for at least 1,000 miles. It is also valuable on account of its flourishing seaport, Mandivi; and our alliance with it enabled us to check in a very considerable degree the smuggling of Malwa opium, which, while our former system of realizing that revenue continued, was carried on to a great extent. My minute of the 30th of November, gives full information upon this as upon all other points connected with the various branches of the administration of Bombay, during the three years that I presided over that presidency.

292. What is your opinion as to the expediency of establishing an additional seat of government in Central India?—I have, as particularly relates to Central India, given my opinion most fully upon the subject in various documents, and in my work upon that country, as part of a general system which I deem the present situation of India to demand; I mean the establishment of provincial administration upon an enlarged scale. I must refer the Committee for my sentiments to the letter to Lord William Bentinck, which is upon their table. I certainly think that Central India, with Rajpootana, will form one of the most important subordinate governments.

293. Is it your opinion that, for the good government of India, an enlarged system of policy is necessary, and such as can embrace the whole empire?—In answer to this and the former question, I must refer the Committee to my letter of the 26th of March 1832, to the Secretary of the India Board, and to its enclosure to Lord William Bentinck, under date the 2d December 1830.

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Martis, 21^o die Februarii, 1832.

The Right Hon. Sir JAMES MACINTOSH, Bart. in the Chair.

WILLIAM BUTTERWORTH BAYLEY, Esq., called in and examined.

294. WHAT opinion have you formed from your experience and observation of the manner in which the subsidiary system affects the well-being of the inhabitants of the countries where it is established?—I think that it has proved generally injurious to the happiness and prosperity of the inhabitants of those countries.

295. You have been in the Secretaries' Office of Calcutta?—Yes, in the judicial department.

296. How long have you been in the political department?—I was employed in the political department only for a short period, when I was assistant in an office instituted by Lord Wellesley, called the Governor-General's Office, and in the Persian Secretary's Office.

297. You were secretary in the judicial department?—I was Secretary to Government in the judicial department for about nine years, and for nearly three years of that period Chief Secretary to Government.

298. What judicial situation did you fill?—I held for about three years the office of deputy register and translator in the court of Sudder Dewanny and Nizamut Adawlut, and I was then appointed register of those courts.

299. That was the native court of appeal?—Yes; the chief court of civil and of criminal justice. I subsequently held the situation of Judge and Magistrate of the district of Burdwan for about five years.

300. That is west of Calcutta, how much?—Seventy or eighty miles west of Calcutta. I was afterwards employed in drawing up some new regulations, on the completion of which duty I was appointed Secretary in the judicial department, and ultimately a Member of the Supreme Council.

301. How long were you a member of the Council?—I was called to the Council by Lord Hastings for about 10 months, during a casual vacancy in the year 1822, and was a Member of Council, under an appointment from the Court of Directors, from November 1825 to November 1830.

302. In what respect do you think that the subsidiary system operates unfavourably on the condition of the inhabitants?—The subsidiary system operates to protect the country of our ally from foreign invasion, as well as from the danger

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arising from internal disturbances, and so far ought not to be otherwise than beneficial ; but the prince or ruling power, in the confidence created by our support, feels it less necessary to administer justice, to protect and to promote the interest of his subjects, than he would do if he were liable to the ordinary consequences of bad government ; that is, to prevent the people from deposing a bad prince and choosing a good one, the natural remedy for bad governments in all Eastern states. I think also that the sense of dependence necessarily involved in the plan of a subsidiary alliance operates to weaken the interest of a prince in the administration of his own government. Upon these grounds, and from the result of past experience, I think the system of subsidiary alliances is, on the whole, injurious to the subjects of the allied states.

303. Do you consider that the subjects of a prince, before we interfered at all, were happier than under this system ?—They were doubtless frequently subject to bad government, but they had the power then in their own hands of redressing themselves ; they would not bear long-continued exactions, or oppressions of a nature generally and deeply injurious ; they would ultimately rise against and put down such a government.

304. They were happier, because they had certain violent means of redress within their own powers, but not from being well governed ?—I do not think it a necessary, though certainly a probable consequence of such a connection, that they would be worse governed under a subsidiary system than before such a system was in force.

305. Only that they had greater means of redress ?—They had more power of redressing themselves than they have now.

306. The fear of the exercise of that power you consider is a check on bad government ?—Yes, certainly ; I think good government amongst native states in India is almost always dependent on the personal character of the prince or minister or both. There are no laws, no institutions powerful enough to control the will of the individual ruler. A strong-minded, well-disposed prince has great consideration with his subjects, and has the means of making them happy, and of governing them well.

307. You consider the natives in these ceded territories of which we had complete possession some time were more prosperous than in a dependant or subsidiary state ?—Generally speaking, I do certainly ; but there are instances of native chiefs or states, though our feudatories or dependants, making their subjects more happy than we do.

308. Which would you specify ?—I am speaking rather from what I have read, than from my own personal knowledge. I am not aware that at the present moment the subjects of any native state in India are so effectually protected, or so mildly governed as the inhabitants of our own provinces ; the Mysore country prospered under the administration of Poorneah, and Mr. Elphinstone bears testimony to the good government of the Jageerdars of the Putwurdun family.

309. When you say, in all those states it depends on the personal character of the ruler, do you think there is a greater security for prosperity and happiness under us, guarded by our institutions ?—Undoubtedly ; I think under our institutions, the natives are protected from violence, both in property and person ; their rights

rights and prejudices are regarded ; there is an efficient police, and a fair administration of justice, under laws and regulations which are published and embodied in a code.

310. There is a greater security of permanence?—Undoubtedly there is. The natives of Oude, adjoining our own frontiers, have long been subject to great misrule and oppression, and are generally supposed to be anxious to come under our government.

311. That is so?—I have no doubt of it, so far as regards the mercantile and agricultural classes.

312. They think the condition of our subjects is better than those who are left under the nominal rule of the vizier or king of Oude?—So I am led to believe.

313. In fact, the subsidiary force acts as much for good as it does for evil ; and if on the one hand it protects princes from rebellion among their subjects, it seems to be good for the people also?—It is good for the people as preventing foreign invasion ; but the subsidiary force is sometimes used to enforce the payment of revenue, or to put down rebellion, and in those cases it operates always against the people.

314. We could interfere more on behalf of the people than we could do were there no subsidiary force?—Under some of our subsidiary treaties the British Government is authorized or bound to interfere to check or prevent gross misgovernment.

315. Does not that amount to that interference which it is forbid residents to exercise?—In some of our alliances the right of interference forms one of the specific stipulations. Such is the case with Mysore, Travancore, Sattarah, Nagpoor, the Guicowar, and Oude.

316. Has the interference of the resident ever been effectually exercised to rescue the people from the oppression of the princes?—It has. It may be sufficient to refer to the instance of Hyderabad, where European officers were employed in different parts of the country vested with the powers to correct or prevent the injustice and oppression which the natives suffered from the exactions of aumils and farmers sanctioned by the minister of the Nizam.

317. In what way is communication carried on between Government and residents?—The secretary in the Political department corresponds with the residents, and the residents sometimes correspond directly with the Governor-General. There are regular means of communication by post throughout India.

318. There are frequently points occur which can hardly be settled in India, but which require to be referred home, are there not?—In matters of importance, which may admit of the delay, a reference is made to England ; but in cases of emergency, where delay would be injurious, the government exercises its discretion and acts without previous reference to the home authorities.

319. The native governments in India are pure despotisms, are they not?—They are so : but as regards the agricultural classes, that despotism is softened or modified by the municipal institutions of the villages, where such institutions are still in existence.

320. What is the punchayet?—Any number of arbitrators, generally five, and selected by the parties. It bears the character of a court of arbitration. It is

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also a kind of tribunal for settling questions of caste, and professional disputes ; but it is seldom resorted to in common civil controversies in Bengal.

321. You do not conceive that a prince deprived of all political importance has the same strong and constant inducement to watch over the safety of his subjects as one who possesses that importance?—I do not.

322. Or to enforce laws for their protection?—No, certainly not.

323. Have there been any gross instances of our interference against subjects?—I recollect some instances in which our troops were employed to enforce the authority of the king of Oude over subjects who had been driven to resistance by oppression and injustice.

324. Is it at the option of the resident to order our subsidiary force to assist princes, or is he bound by treaty to do so at the request of princes?—He would not do it without the request of the prince.

325. Is it imperative?—He would in doubtful cases consult his government, and suspend the order until their authority was received.

326. It is not imperative then?—No ; it has for sufficient reasons been often refused.

327. The only case understood by the treaties is either protection against some foreign enemy, or against domestic revolt?—Generally speaking, such is the case ; but we are authorized by some of the treaties to interpose by advice, and in other instances even to assume the management of the country.

328. That is not in the majority of the cases, is it?—No, our subsidiary alliances do not all warrant our interference in the internal administration of the protected states.

329. At present, in most of the states there is so little chance of foreign invasion and foreign aggression, that the subsidiary force is merely nominal, is it not?—At present we have paramount authority all over India, and have the power to prevent aggression on the part of one state towards another. All our treaties stipulate that disputes between any two states shall be referred for adjustment to the British Government, and that they shall enter into no negotiation without our knowledge.

330. Are the courts of justice in those places with which we are connected by subsidiary treaties exclusively administered by native punchayets?—They have no regular system of justice. Disputes are sometimes settled by the chief of a village or of a district, by a farmer or other person in authority ; sometimes by punchayets or arbitration, and very frequently by a bloody affray. Where there are courts of justice, the natives prefer going to them ; where none exist, they must either fight or resort to arbitration.

331. Is not one practical consequence of subsidiary alliances universally acknowledged, namely, that the multiplicity of business it entails on us prevents our consideration of, and attention to matters of more importance?—The duties devolving upon us in our capacity of the dominant power in India are doubtless difficult, and occupy much of the time and attention of government ; but on the other hand, if we were not in that situation, we should have a great deal more trouble in maintaining our interests, in guarding against hostile combinations, and in repelling aggression.

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332. And it is the most economical system, you think?—Calculating, as I think we have a right to do, on the long continuance of peace and tranquillity in India, I think our present system more economical.

333. Has the Nabob of Bengal any power?—No, he is a mere pensioner.

334. He has no territory whatever?—No, none at all.

335. Do you know since what time he has ceased to have territory?—The internal administration was altogether withdrawn from the Nabob and transferred to the English about the year 1772. The grant of the Dewanny was obtained in 1765.

336. We have residents at the Rajpoot states?—There were residents or political agents at Oudipore, Jeypore, and Cotah. The political affairs of Joudpoor and some other Rajpoot states were superintended by the commissioner at Ajmere. At present the latter officer has charge of our interests, with the state of Oudipore also.

337. What is the name of the prince to whom he is more nearly accredited; what is the head of the Rajpoot states?—The highest in point of rank is the state of Oudipore.

338. Are those countries better governed than those in which we have direct interference?—They are scarcely recovered from the devastations of the Pindarries and other predatory bands.

339. You have hardly had an opportunity of observing their internal condition?—I have not; but it is notorious that they are in a much better situation than before. The internal government, I imagine, is very lax, but they are no longer exposed to the ravages of plunderers.

340. The general tenor of the instructions from home, both from Government and the Company, has always been strongly against conquest?—It certainly has.

341. Then it would seem the Government of India has always been active in spite of their instructions?—Most of the wars into which the British Government has entered have been forced upon us; our interference has often been reluctantly exercised. We cannot recede, and it is probable that, ultimately, the whole of India will come under our own dominion.

342. You are entirely of opinion that the result of what has been done is for our own advantage and the happiness of the natives?—I think that the bulk of the inhabitants of those states which have fallen under our own direct government have derived benefit from our aggrandizement. I cannot say the same with regard to some of those states which are under our control partially.

343. Then these advantages have been achieved in spite of instructions from home?—The instructions from home have always discouraged the extension of territory, and have deprecated war as leading to that consequence; but after having gone to war we have been compelled to extend our dominion, both as indemnity for the past, and as security for the future.

344. It has, then, led to a much better state of things, to a much more easily defended country, which is more likely to lead to the happiness of the natives, and there is less expense, because there is less recurrence of war?—Generally speaking, such has been the result; but the expense of increased military and civil establishments has exceeded in several instances the advantages acquired by our conquests.

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345. Do you think it has increased out of the proportion to the increase of territory?—Out of proportion to the increase of revenue.

346. As they improve, will they not meet the expense?—The revenues will probably increase very considerably. Some of our acquisitions are very productive; others (for instance, the cessions from Ava,) are much the reverse. It will be long before the latter will yield a revenue at all commensurate with the expense incurred in conquering and maintaining them.

347. You consider the superiority of the countries governed by the English administration directly, to be much more clear and certain over the administration of the subsidiary states than over the administration of native powers, independent powers, without giving any absolute opinion on the latter part of the subject?—Yes; I think that those states with whose government we interfere occasionally, and which are supported by our military power, are rarely so well governed as our own territories, or as those which are more completely independent of us.

348. So that the intermediate state is the worse?—Such is my opinion.

349. Taking all the circumstances into account, perhaps the superiority of the English government over a good native government (that is, the appearance of vigour and spirit) is not by any means so certain as the superiority over the others?—The bulk of the people, the agricultural and commercial classes, the bankers, manufacturers and artizans, are all better off under our direct government; but the aristocracy of the country, the military classes, those who had formerly the means of aggrandizing themselves by offices of trust and emolument, have suffered in proportion; their prospects are very much deteriorated, and their occupation is gone.

350. The people are better, and those who prey on the people are worse off?—Generally speaking, such is the case.

351. Do you imagine that it requires fewer troops to keep our own immediate subjects in order, than the subjects of princes with whom we have subsidiary treaties?—The greatest part of our force is stationed either in the territories of our allies beyond our frontiers, or in positions close to our frontiers. In the provinces of Bengal and Behar, containing a population of at least 30,000,000, there are not more than 12,000 or 13,000 troops of all arms, of which one half is stationed in the immediate vicinity of Calcutta.

352. There is no disposition to revolt?—In our old established territories under the presidency of Bengal, I have never seen any disposition to revolt.

353. You think it would be attended with less expense to maintain the government if we had it under us immediately, rather than under the present system?—That is a question which I am scarcely prepared to answer; but I think that if we had complete possession of all India, exercising all the powers of civil government, and collecting the revenue for our own purposes, the expense would be less in proportion to the revenue than it is at present; but there is an obvious benefit in the continuance of some independent or partially independent states to which turbulent and bad spirits may resort, and find some employment. Such individuals might prove mischievous if all India were under our exclusive government.

354. There are back settlements in which there would be still room for them perhaps?—Not if we were in possession of the whole interior of India.

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Esq.

355. We have to control these bad spirits only under another name?—The individuals to whom I allude would find no employment under us; there have been a vast number of soldiers of fortune in India, many of whom cannot even now find employment. If we had the whole of India under our dominion, and our military system continued as at present, those soldiers of fortune would find no employment whatever.

356. Do you consider that there is a constant indefinite danger existing from our own army?—Constituted as our native army is, it cannot be otherwise than that there should be some indefinite danger; but I do not see any present cause for apprehension; when it does arrive, it will probably have been caused by our own mismanagement.

357. You do not see any particular danger?—Partial mutinies may arise from very trifling causes, and revolt and disaffection may be expected if ever the state of the finances should render us unable to pay the troops with regularity, or an ill-judged economy should enforce a reduction of their allowances.

358. Do you think the subsidiary system as good as any that could be substituted for it?—I do not see how it is possible now to change it. We cannot retrace our steps without weakening our own power, and exposing our dominion to serious hazard.

359. On the plan of governing the country by a dewan, what do you think of it?—I think that is the very worst of all, if by a dewan is meant a minister supported by our influence, and exercising authority properly belonging to the prince.

360. You do not agree with Sir Thomas Munro?—I am not aware that he has given an opinion upon the case I have supposed; the question is a different one if it refers to the administration of a dewan during the minority of a prince. The success of Poornah in Mysore is an instance of the latter; the atrocious misgovernment of Chundoo Lal at Hydrabad, of the former.

361. Do the natives enlist willingly?—We find more difficulty in getting sepoys than we used to do from our own territories; our Bengal army is chiefly recruited from the territories of the king of Oude; our own subjects have lost their military character, they now follow commercial and agricultural pursuits in preference.

362. That speaks in favour of their prosperity?—No doubt; it is a proof that they are protected in the enjoyment of the fruits of their industry.

363. Have you heard of the scheme of the Supreme Government being discharged from local concerns?—I have.

364. What do you think of it?—I have recorded my sentiments on the subject in a minute, dated the 9th of November 1830, to which I beg leave to refer. I think it impossible for the Supreme Government to exercise an effectual control over the other presidencies, while it has to conduct the administration in detail of extensive territories containing 50,000,000 or 60,000,000 of inhabitants.

365. At what town would you place the central government?—Somewhere in the Western Provinces probably; but it should not be fixed to one spot.

366. Is there a direct overland communication kept up between Bengal and Bombay?—There is a daily communication by post.

367. In what time do they come?—It depends on the season; in the rainy season it is as long as three weeks, but ordinarily 16, 17, or 18 days.

Lunæ, 27^o die Februarii, 1832.

VI.

POLITICAL
or
FOREIGN.

The Right Hon. Sir JAMES MACINTOSH, in the Chair.

Major CLOSE called in and examined.

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368. How long were you in India?—Rather more than 22 years.
369. What diplomatic stations did you fill?—I had been assistant to the residents at Nagpoor and at Poonah; afterwards I was resident with Scindia at Gwalior.
370. Who were you assistant with at Poonah?—I was assistant with Mr. Elphinstone.
371. At Nagpoor whom did you assist?—Mr. Elphinstone first, and Mr. Jenkins afterwards.
372. For what time in all?—About twelve years.
373. You were afterwards resident with Scindia?—Yes, for about eight years.
374. What is the relation in which Scindia stood to the Company?—He was independent.
375. Has he no treaty with the Company?—Yes, there are several treaties, but they are not such as to abrogate his independence, or to place him in acknowledged submission to the British Government.
376. Are they in the nature of what we commonly call offensive and defensive treaties?—No, not even that.
377. Do they imply any guarantee of his dominions?—No.
378. Is there nothing peculiar in them?—Nothing peculiar in their general character beyond that of reducing his resources and curtailing his influence.
379. Do they not even amount to treaties of defence and alliance?—No, certainly not; unless, indeed, the last treaty which we made with him for a temporary and special purpose might be considered so; but we have no permanent one. His political relations, however, have been effectually confined, and his power of injuring his neighbours equally restrained in consequence of the claim to our protection which all the other states have established by their treaties with us.
380. Do they contain any provision restricting him from employing European officers, foreign officers, or anything of that sort?—They are no more than treaties of peace, very little more than that; at one time there was a treaty of the nature alluded to, but it was dissolved soon after its conclusion, and never came into practical operation.
381. There is none now?—No; there was none when I left India in 1824.
382. Now, under those circumstances, and separating the two parts of your experience, when you were assistant to the residents at Poonah and Nagpoor, what opinion did you form from your observation of the way in which the connection between the Company and its dependent allies affected the good government and good condition of the inhabitants of the countries respectively?—At the time when
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I was at Nagpoor we had no such treaty as we have formed since ; so that we had no opening given us to interfere at all with the administration of the country. With regard to Poonah, where we had such a treaty, my opinion was, that the general effect was good, and was favourable to the prosperity of the inhabitants.

383. What do you think of the well-being of the inhabitants, the subjects of the Peishwa, as compared with their condition before we interfered at all in Mahratta affairs, on the one hand, and the condition of those who are the direct subjects of the Company on the other?—Why, inasmuch as those who are our direct subjects live under a more systematic and just government, I should certainly conclude that their condition was infinitely superior to that of the Mahrattas.

384. Do you think, from your observation, that the subjects of the Company were in a better condition than those who were the then subjects of the Peishwa?—I should think so.

385. Do the observations, therefore, which you made, apply to a comparison of their condition after we began to interfere in the Peishwa's internal government, or with what it was before our interference?—Not having been in that country before our connection with the Peishwa's government, I can only speak from general conjecture of that subject ; but I should fancy that the condition of our subjects was better, on a comparison with the Peishwa's, at either of those periods.

386. Was the treaty by which there was a certain right of interference the treaty of Bassein?—It was.

387. Did that take place in 1803?—No, it was at the end of 1802, and just before the Mahratta war of 1803. That war arose partly perhaps from the discontent of the subordinate chieftains, at the low condition to which the head of the state was reduced by it, but principally from the mortification they felt at the diminution of their own influence which resulted from it.

388. What was the comparative state of the people in the province of Berar, under the Rajah, and those who were the subjects of the Peishwa before our frequent and familiar interference?—I had never known anything of the Poonah territories before our treaty of defensive alliance with the Peishwa in 1802.

389. When you were at Nagpoor there was no treaty authorizing our interference?—No, not at Nagpoor.

390. What was then the condition of the security of person and property, and the administration of justice in the Rajah of Berar's government?—Indeed, I should say there was very little of either.

391. Did he collect his revenue by military means?—It was not always necessary to employ military force, but occasionally it would be so.

392. In the Mahratta territory, was it generally necessary to employ military means to collect the revenue?—I should not suppose that it was so on all occasions.

393. Was a great part of the revenue of the Mahrattas derived from a tribute paid by the neighbouring states?—A considerable part.

394. Was that collected by force?—That was generally collected by force before our engagements with the Mahratta states, which put a stop to their violent aggression.

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395. Who paid chout to the Mahrattas so late as the period immediately following the war against Mysore?—Little or no tribute of that description was collected by the Mahratta states south of the Nerbudda, but to the north of it there was.

396. Do you remember any of the states that paid chout to the northern Mahrattas?—All the Rajpoot states, without exception, I believe.

397. But confining yourself to the Poonah Mahrattas at present?—There certainly was none paid to them after 1802; nor do I suppose there had been for some time before.

398. Did all the Rajpoot states pay chout to the Mahratta chiefs?—Yes, to those situated north of the Nerbudda, of which Scindia and Holkar were the principal; but that system of plunder and exaction has ceased with the extension of our influence and the formation of our engagements with nearly all the states lying north of the Nerbudda.

399. Have you anything to state further with regard to the subsidiary system?—I can only say generally, with respect to the subsidiary system, that it was calculated to promote our own interests, and also, under good management, to increase the prosperity of the country at large. It has given the means of maintaining, without a constant drain upon our ordinary resources, a well equipt force, ready at all times for any emergency; and it has enabled us to preserve, in a great degree, the peace of the country, which before its introduction was constantly exposed to the ravages of undisciplined and contending armies. The effect has also been to put it in our power to control, or in a considerable degree to moderate, the defects of at least some of the native governments, much to the advantage, as I should conceive, of their subjects.

400. Can Major Close specify any state in which that system had been under good government, so as to promote beneficial effects?—As far as my observation has gone, I have formed the opinion that the system had not answered so well under some of the Mahomedan governments as in the Hindoo states; but I think that in the Hindoo states it has generally been productive of advantage.

401. Is there any direct cause which would account for its being more beneficial in the Hindoo states than in the Mahomedan states?—I do not exactly know to what it is to be traced; but if true, it may perhaps be ascribed to this, that the Hindoo governments may harmonize better with the feelings of the inhabitants, the great mass of whom are themselves Hindoos; and that the Mahomedan government may not be so acceptable to the people at large.

402. Would that have anything to do with the subsidiary system?—No, I should apprehend not; unless it be that the Mahomedan governments might therefore stand more in need of our assistance to support their authority.

403. Do you think, or not, that the success of the English administration in Hindoo countries was likely to be greater than in those under Mahomedan government, partly because the Mahomedans were a set of conquerors like ourselves, and therefore disliked our presence?—I should not say that it was from any aversion borne by the Mahomedan governments to us that those effects to which I allude had proceeded; it has not been from that cause, since although the cordiality of our intercourse with them has occasionally met with slight interruptions, they had, up to the

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the period of my leaving India, eight years ago, proved more faithful to their alliance with us than some of the Hindoo governments.

404. Were not a great number of Mahomedans driven out of military service at Mysore?—Very many.

405. The peace which has been established in India has injured their interest very materially there, has it not?—Yes, very much; but the same effects must in some degree have been felt by the Hindoo soldiery also.

406. But as to Hindoo officers or chiefs, does that remark apply?—Not to the same extent, certainly. I should wish to explain a previous allusion to our treaties of peace with Scindia, by observing that those treaties were the consequence, either of open hostility, or of a state of things nearly approaching to war; that in the former case our purpose had been to effect such a reduction of Scindia's power as should disable him from prosecuting future wars against us; and in the latter, to give such a direction to his employment of the resources still left to him, as might contribute to the general and permanent peace of the country.

The Hon. EDWARD GARDNER called in and examined.

407. WERE you engaged in diplomatic service in India?—Yes, I was.

408. For how long a period?—I resided in India altogether about 27 years, of which time I was employed in the Political department from 1808 to the period of my leaving India. I was attached first to the Delhi residency, in the situation of assistant to the resident; and I remained there until the Nepaul war, which occurred in 1814, when I was called to that quarter, and have been employed within that country until I left India in 1829.

409. How long were you at Delhi?—About six years in the Delhi territory, but very little at Delhi itself.

410. In Nepaul how long?—I was about 12 years altogether in Nepaul.

411. Now the principal duty which you had to perform at Delhi was administrative, was it not, with respect to the district?—I was in a subordinate situation, and was employed during nearly the whole time I was there in charge of the district of Hurriana, a territory that fell into the British government in consequence of the chief to whom it was assigned not being able to maintain his own authority in it, and he gave it up to the Government for a certain stipend.

412. Then were you employed for six years in Delhi in the duties of local administration, and 12 years at Nepaul in diplomatic negotiations?—Just so; I was political resident at Khatmandoo, at the court of the Rajah of Nepaul.

413. What is the nature of our political relation with the Rajah of Nepaul?—It is founded upon a treaty of amity consequent on the war which we were engaged in with that state, and which ended in its being compelled to admit a treaty with the British Government of that nature.

414. There is no subsidiary force?—None whatever; we were under no obligations for its support or defence, neither was anything required from it in the shape of subsidiary or of military aid.

415. From your long residence in that territory, you will be able to inform the Committee what you think of the condition of the inhabitants, especially the lower classes of that territory, compared with those of the Company's territories which

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you have seen?—I think their condition generally would bear a very favourable comparison with those of the Company's territory; the people I consider, on the whole, to have been well governed, and in as good and happy a condition as those of any other states with which I have been acquainted.

416. Have you seen the whole of the Company's Bengal presidency?—I have had very little experience in Bengal; I resided chiefly in the Upper Provinces and within the Delhi territory; I have passed through the country, certainly, but I have not sufficient knowledge to speak to its actual condition.

417. Had you any opportunity of seeing the Nabob of Oude's territory?—Simply as a traveller through it.

418. What do you think of its state?—It was, when I passed, considered to be in a disturbed state as regarded the police, but it appeared to be very highly cultivated; it was no doubt in rather an unsettled state at the time.

419. Who are the inhabitants of Nepaul?—The Goorkahs are the ruling race.

420. Have the Goorkahs always remained Hindoos?—They are entirely and strictly Hindoos; and no part of the inhabitants profess the Mahomedan religion. I suppose there are not a dozen Mahomedans in the whole country.

421. Do you apprehend any danger to our possessions from their vicinity?—Not in the position in which they have been placed in consequence of the late war between the British Government and the Goorkah nation; before that event, they certainly held a very threatening and commanding position along the whole extent of our northern frontier.

422. What was their native state?—They came from a place called Goorkah, whence they derive their appellation.

423. Where is that?—It is a small mountain territory situated to the northwest of the valley of Nepaul, whence the Goorkahs issued, and successively conquering all the petty states into which the whole of that region was formerly divided, united them under one rule, and established the government in their own tribe and family.

424. Had the conquered people the same institutions and manners with the conquerors?—Not exactly; the inhabitants, for example, of the valley of Nepaul are called Newars, and although Hindoos, they are Boodhists in religion, while their conquerors, the Goorkahs, are of the Braminical faith.

425. What time did the Goorkah's conquest begin?—I think the conquest of Nepaul Proper, as it may be called, was effected in about 1767–8, between 60 and 70 years ago.

426. You think the condition of the people in the Nepaul country, in the whole province of the Goorkah dominions, might be advantageously compared with the subjects of the Company?—I have not visited the whole of their dominions, but considering the nature of their government, which is a military one in its character and arbitrary in its form, I think the inhabitants generally are under a lenient government; and that the condition of the people would bear a very favourable comparison with the subjects of the Company, or those of any other state in India.

427. Have they one supreme head, or is it a federative state?—The authority is vested in the Rajah alone, but its exercise is much modified by the influence of the baradars, or chiefs of the state, who claim a voice in their national councils; they

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they are summoned by the Rajah, or by those acting in his name, on all important occasions, where they deliver and express their sentiments very freely, and the majority of their opinions generally decide questions of peace or war, or other matters of moment; the authority is usually in the Rajah's hands, no doubt, but modified in this way.

428. Is the Rajah's authority hereditary?—It is.

429. Are these chiefs hereditary in general?—In general they are; they are the heads of the families whose ancestors bore a share in the conquests effected by Prithree Narain, their chief; they generally fill, like ourselves in India, all the principal offices of state, and have the command of the troops, keeping the conquered people in inferior situations under the government. These chiefs have always, therefore, been looked on as having a direct interest and voice in public affairs, and they thus modify the power of the Rajah.

430. Are there many slaves in Nepal?—There does exist a species of domestic slavery, but not in the acceptation of the word in which it is understood in Europe.

431. Have you any labourers slaves?—If the family they belong to is an agricultural one they are sometimes employed in the field, but not particularly so; they are used for all domestic purposes. They cut wood and fetch water, and are employed as servants.

432. Can they be sold?—I apprehend they may be.

433. Without the soil?—They are not attached to the soil at all.

434. Did you ever know any instance of a sale?—I cannot say decidedly that I have. I believe that it did take place; but I had no means of knowing absolutely that it did.

435. Do they form a large proportion of the inhabitants?—By no means.

436. May it be called an inconsiderable proportion?—An inconsiderable proportion. Indeed, I believe they are chiefly foreigners from the side of Thibet principally, and from among the Bhoteea people.

437. Are any of them those who have been made prisoners?—No; they are people, who, I believe, have been chiefly sold when children, in times of famine and scarcity.

438. By what means have we secured our possessions against the danger which formerly existed from the Nepaul state?—Its power has been considerably reduced by the treaty. All the mountain territory which had been acquired by us in the course of the war to the west of the river Kulee was ceded to the British Government; to the eastward, the Nepaul government agreed to abstain from any interference with the petty state of Sikim, which forms its boundary on that side, and to submit any disputes that might arise between them to our arbitration. Consequently, the Nepaulese are now confined on three sides by the British power and territory or by the Sikim country, the possession of which is guaranteed to the Rajah; and on the north they are shut in by the Hemalaya, or great snowy range of mountains which extends along that portion of their frontier, and now forms part of the Chinese empire, so that they are completely inclosed, and have no power of acting in any direction beyond their own territory.

439. Is the source of the Ganges within the Goorkah territory?—It was, but is now within the province of Kumaon.

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440. These are now English provinces?—Yes; Kumaon has been annexed to the British possessions, and the petty states lying to the westward of Kumaon, about eight in number, were restored under British protection to the chiefs from whom they had been taken by the Goorkahs in the progress of their conquest. They are insignificant in extent, and their revenues are very small; and with the exception of a few places which were reserved as military stations for some hill corps, that were raised as an employment for the military classes in the country, were restored to the chiefs in the same condition as they had originally possessed them, without their paying tribute or furnishing military aid, which they are unable to do.

441. Has the Mogul any independent territory at all?—None.

442. Is Delhi his?—No; the country round Delhi was assigned for his support, but the revenues are collected by our government, and a stipend is paid to him out of it.

443. Does Nepaul appear to differ from any other Indian state, in its government and in the condition of its people?—Yes, it differs very essentially. The country has never been subdued by any of the foreign invaders or conquerors of India. The people are more simple, unmixed, and original in their manners, less superstitious, and less bound by rules of caste and other Hindoo observances than the people of Bengal.

444. Before the Goorkah conquest, was the country divided into small rajahs?—Yes, in the valley of Nepaul alone, which is only about 50 miles in circumference, there were no less than three princes whose capitals were within a few miles of each other; they each had a share of the valley, which was considered the most valuable portion of their principalities. One of the articles of the treaty engages that they shall not give service to any European without the sanction of the British Government.

445. Is there any restriction on their rights as to making peace and war?—The usual article in our treaties with the native powers, by which they bind themselves not to enter into political negotiations with any other state, is not a part of the treaty with Nepaul.

446. Was Sikim a Nepaul state?—No, but the Nepaulese were in progress of its conquest when the war broke out, and it was restored to the rajah, and the possession guaranteed to him with the view of forming a barrier in that direction against the further aggression of the Nepaulese, and to put an end to that career of conquest to which they had so long been accustomed, and which, but for the war with the British Government, would in all probability have carried them eventually to Cashmeer.

447. In what manner are they armed?—Their troops are armed, disciplined, and clothed on the model of the sepoy in the British service; the words of command are given in English, and the gradations of ranks are copied from ours, or rather applied as they were used in the time of Mr. Hastings' administration. They cast some cannon, and to each of their battalions they have two guns attached; they were taught this by a Frenchman, who was in their service formerly. They manufacture their own muskets, from excellent guns produced in their territory. Their artillery is not, however, of much use, from the difficult nature of their country.

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448. Is their force chiefly infantry or cavalry?—Entirely infantry; they have no cavalry; there is not a road in the country on which cavalry could be moved.

449. How do you travel?—Generally on foot: women are carried in a kind of hammock. Horses, except in the valley, are nearly useless.

450. Did you walk to Khatmandoo?—On my first going there I travelled in a kind of litter used for the purpose; afterwards I frequently walked on journeys, or used a litter, or rode on small ponies which are brought from Thibet.

451. Have the inhabitants of this place made greater progress in science than in other places?—They know not much of science; education, as far as it goes, is very general: it is uncommon to see a person who cannot read or write, or know something of accounts: every village has its instruction in some way, but it seldom proceeds further than that; and the higher branches of learning are quite unknown.

452. Have you had an opportunity of comparing the territory of Nepaul with other parts?—I have been entirely employed at the court of the rajah of Nepaul since the peace of 1816.

453. In the administration of justice, is there more security of persons and property than elsewhere?—Yes, I never knew it more so elsewhere. The Nepaulese, like all mountaineers, are particularly honest, and very little given to crime or violence of any kind.

454. Are there tribunals there?—Yes; heinous crimes are very unfrequent; petty criminal cases are heard in the first instance by the magistrates of the towns, or local authorities in the country; they punish to a certain extent. Graver crimes are brought before the rajah, or those exercising his authority, and are decided once a year. There is, I think, a greater degree of security for person and property than I have ever observed in any other part of India.

455. Have they public works?—Scarcely any. They have built a few bridges, and made a few roads in the vicinity of the capital, but it is contrary to their policy to construct roads or throw open their country in any way.

456. Is it quite an agricultural country?—Yes; and it is well cultivated where circumstances admit of it, and the valley itself is cultivated by what in this country is called spade cultivation, and is productive.

457. Have they any commerce?—Not much; it has increased somewhat since our connection with them; they export some things not got from other parts of the world, such as musk and borax. It is not found in their own country, but comes through it from Thibet.

458. Is there great facility for merchants?—Why no, every thing must be carried on porters' backs; but merchants meet with every protection.

459. Have you much tea from China over land?—No.

460. Do they bring it down to Benares?—I believe not. It comes down in cakes occasionally, but we should not consider it as good, or drinkable indeed.

461. Did you ever hear of a tea plant being raised?—I remember seeing one in Nepaul. The Nepaulese are considered as tributary to China, and every five years they send a mission to Peking through Thibet; on one occasion of this kind they brought a tea plant with them, and in a Cashmerian's garden close to Khatmandoo, it was still growing where I saw it, at a place between the residency and the town.

462. Is it a good climate?—An excellent one, I think; not much unlike that of Switzerland, I should suppose.

Mr. FRANCIS WILDER called in and examined.

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463. How long were you in India?—Exactly 22 years.
464. In what department did you serve?—Chiefly in the political department.
465. In the diplomatic department?—Yes.
466. Were you diplomatically employed?—For the first six years I was employed at Delhi in a subordinate situation entirely in the local administration, and afterwards at Ajmeer for six years more; during which time the states of Joudpoor, Jesselhere and Kishengurh were placed in communication with me; but I still continued under the Resident as an assistant.
467. Just state where you were afterwards?—I was afterwards at Sangur for one year; and after that (in 1827) I succeeded to the residency at Nagpoor, where I remained until the end of 1829, when I came home.
468. Whom did you succeed?—I succeeded Mr. Jenkins.
469. How long were you resident at Nagpoor?—About three years.
470. In what condition, compared to neighbouring countries, did it appear to you that our territory around Delhi was when you were employed there?—At Delhi the territory was entirely under the British Government.
471. In comparing that country with the neighbouring native dominions, what do you think of their comparative well-being?—I think the subjects of the Company in the Delhi territory were far better off than the subjects of the neighbouring native princes.
472. Who are the native princes whom you make the subjects of comparison chiefly?—The Seik territories to the north, Ulwur, Biccancer, and the other Rajpoot states to the westward.
473. Do you know anything of the dominions of the King of Oude?—I do not, I never was in that country.
474. You have seen the country of Rajpootana?—Yes, I have.
475. In what state, in the country you have seen, is the security of persons and property and the administration of justice?—I do not think, in any of the Rajpoot territories I have visited, there is much security for persons or property, though the state of things has very much improved since we have formed an alliance with them.
476. Had they any regular administration of justice?—No regular system.
477. What is the nature of our federal connection with the Rajpoot chiefs?—Entirely protective; and in return for our protection they bind themselves to afford military aid on requisition, to submit to our arbitration of external disputes, and not to form any new alliance with other powers.
478. Anything with regard to foreign officers?—No.
479. Would that be prevented?—Certainly, I should suppose so.
480. Is there any subsidiary force on foot?—Not in the Rajpoot states, but Joudpoor is bound to furnish 1,530 horse, when called upon.
481. Do the residents interfere to prevent anything wrong taking place?—They would do so; but during the time I had charge of Joudpoor and Jesselhere there was no occasion for any interference whatever.
482. Do you think that was in consequence of the improved administration?—I think it was owing to the nature of our connection with them.

483. Do

483. Do you ascribe that improved administration to the effect of the presence of the English resident, and the fear of displeasing the English?—Yes, I think it was.

484. Do they show anxiety to maintain a connection with the Company?—The states with which I have had any concern, I conceive, certainly do.

485. So that you think there is no stipulation in any one of the treaties with them for the resident's interference?—No, none whatever in their internal affairs.

486. So that with that very limited degree of influence, you think the connection with England and the fear of the displeasure of the English Government have very sensibly improved their administration?—I think it has.

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Mr. Francis Walker.

Veneris, 2^o die Martii, 1832.

The Right Hon. Sir JAMES MACINTOSH, in the Chair.

Major CARNAC called in and examined.

487. You were the Resident at Baroda?—I was the Resident there for nine years, and an assistant to the Resident eight years previously.

488. How long is it since you ceased to be Resident?—I ceased to be Resident in 1819.

489. What is the population of the Guicowar territories?—The population of the dominions of the Guicowar I estimate to be from five to six millions in the province of Guzerat, the states tributary to it, and in the Surat Attavecsy, possessions in the neighbourhood of that city.

490. When did we enter into any subsidiary engagement or treaty of alliance with the Guicowar?—Our first negotiation to establish an alliance with the Guicowar state was early in the year 1802, when the prince deputed a mission to Mr. Duncan, the governor of Bombay, to solicit the aid of the East-India Company to put down the rebellion of one of his own family (Mulhar Row), who was aiming at supremacy in Guzerat.

491. Was there any diplomatic intercourse between the two governments prior to that?—A treaty of amity was entered into with the first Futteh Sing Guicowar so far back as the year 1780; but for the purpose of a more intimate connection, none except through the agency of the mission in 1802 to Bombay.

492. Was there a Resident at that time or previously at Baroda?—Not at any time. The governor, early in 1802, went to Cambay (the territory of a Mahomedan), in order to have an opportunity of a nearer communication with the Guicowar, on the subject of the alliance proposed; he was accompanied by a small force, placed under the command of Major Alexander Walker. A negotiation ensued with the minister of the Guicowar at Cambay, the result of which was the advance of the force for the suppression of the rebellion of Mulhar Row Guicowar, which, after several engagements with his forces, was accomplished. At this

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period, namely, May 1802, there was merely a written engagement with the Guicowar minister, dated the 15th March of that year, to reimburse the expenses of the expedition against Mulhar Row, and for the Guicowar state to subsidize a permanent force from the Company. In June 1802, articles of agreement were drawn up, which were afterwards consolidated into a definitive treaty. It was then engaged that we should liberate the Guicowar from the thralldom of his mercenary troops, composed of Arab sebandy, and to assist in discharging the debts which the Guicowar state had largely contracted. This laid the foundation of the extensive system of interference which prevailed at the court at Baroda, different from that pursued with any of the other powers with which we are allied in India. In consequence of the wars which took place in 1803, 1804, and part of 1805, with the confederated Mahratta powers, Dowlut Row Scindiah, the Rajah of Berar, and Jeswunt Row Holkar, the definitive treaty was not executed until the latter year. It contracted that a contingent of three battalions of native infantry, a company of European artillery, and a company of lascars should be furnished, the expense of which was provided for by the Guicowar state, by cessions enumerated in the schedule attached to the treaty, amounting to 11,70,000 rupees per annum. It was also stipulated that the subsidized troops should be stationed within the territories of the Guicowar state, and that one battalion should be employed in the province of Kattywar.

493. Is that treaty existing up to this time?—It was in full force till 1817, when supplementary articles were added to the definitive treaty, which I will advert to presently. The expulsion of the Arab mercenaries from the service of the Guicowar, and their ultimate ejection from Guzerat, involved the Company in the responsibility of engagements to bankers who had advanced monies to the state for the payment of arrears to troops and general debts. The Company also advanced from its own resources a sum of 30 lacs of rupees, and guaranteed to the bankers or soucars a further sum of not less than 70 or 80 more. It was at this time stipulated with the minister (the Rajah Anund Row having long been in a state of mental imbecility), that a reformed scale of expenditure should be adopted, and that the resident with the minister should form a commission for the government of the affairs of the state. These arrangements were made by Major, afterwards Lieutenant-colonel Walker, and came into full operation immediately after the period of his quitting India, and my succession to his office in 1810. There were other important arrangements also made in 1807 by that distinguished officer, Colonel Walker, with the states tributary to the Guicowar and Peishwa, in the province of Kattywar, which are fully developed in the despatches of that time. Shortly after my succeeding to the residency, it was deemed proper by the Bombay and Supreme Governments to introduce into the commission of government the heir presumptive, Futteh Sing Guicowar, who was considered the president of the commission, and measures of internal administration or foreign intercourse were conducted in the durbar of his highness Futteh Sing, in the name of the Rajah Anund Row, but with the cognizance and under the direction of the resident, in conjunction with the minister of the state. The reformed scale of expenditure was strictly followed till the year 1817, when the war with the Pindarries and the Peishwa took place. In November 1817 the Guicowar government

was

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was called upon to augment the subsidiary force by two regiments of native cavalry and one battalion of native infantry of the complement of 1,000 men. He was also required about that time to furnish a contingent of his own troops to act with the forces then employed in the province of Malwa, which necessarily caused a very heavy expense. The supplementary treaty was made on the 6th November 1817: it not only provided for the augmentation of the subsidiary force, and the cession of all the rights which the Guicowar had obtained from the perpetual farm of the Peishwah's territories, subject to Ahmedabad, but for his highness maintaining at all times a force of 3,000 horse, to be paid by himself and mustered by the resident or his agent, and to act under the command of the officer commanding the subsidiary force wherever employed. As far as concerns the debt guaranteed by Colonel Walker, I may say that it was entirely discharged, although when the honourable Mr. Elphinstone visited Baroda in 1820 and 1821, he found the state encumbered with a heavy debt, created chiefly by the Pindarry and Mahratta war of 1817, and other causes which will be found reported in the public despatches. Subsequently to my departure from India, I have understood that Mr. Elphinstone had directed the resident to withdraw from all interference with the internal affairs of the Guicowar state, and placed in the Guicowar's hands the uncontrolled power of his dominions. Having arranged that the Rajah should pay within seven years the debt then existing, it was discovered on the expiration of that period, that the debt was increased very considerably from the rapacity of the Rajah, who had diverted the resources of the country to his own coffers: he was required in 1828 by Sir John Malcolm, who had succeeded Mr. Elphinstone in the government of Bombay, to adhere to the engagements he had contracted in 1820-21, and in consequence of his manifesting no inclination to do so, Sir John Malcolm had deemed it proper to sequester, in March 1828, a portion of his dominions for the liquidation of the debts for which the Company were responsible. He also required him in 1830 to provide the funds for the payment of the contingent of horse stipulated for in the supplementary treaty, which having persisted in refusing, these troops have consequently been maintained by the East-India Company, and further territory sequestered for their maintenance. These troops are now employed under the orders of the commissioner of Guzerat, Sir John Malcolm having abolished the residency at Baroda; the territories sequestered have been placed under the management of one of the late ministers of the Guicowar, subject to the supervision of the commissioner, whose residence I should state was fixed in the city of Ahmedabad. No alteration has taken place in this state of affairs up to the present time. The revenue of the ceded territories, on account of subsidy, amounted in the whole to about 27 lacs, as realized by the native government, and the gross amount of the remaining revenue of the Guicowar state was upon an average something more than 70 lacs.

494. What proportion should you conjecture that the two successive sequestrations of territories produced of the Rajah's whole revenue?—I have no means of knowing exactly the amount of revenue derived from these sequestrations, but I believe the revenue at the disposal of Seeagee Row, the present rajah, divested of claims guaranteed by us for personal stipends and pensions, does not

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much exceed 20 lacs. I should imagine that the value of the sequestered territory is rather more than that of the territory ceded in subsidy.

495. You mentioned some territories of the Peishwa and the Guicowar, they were chiefly in Kattywar, were they not?—On the conquest of Guzerat by the Mahrattas, the states of Kattywar (composed principally of Rajpoots) and the principality of Junagur (the only remnant of Mogul power at Guzerat) were in a state of independence. On the decline of the Mogul empire, incursions were made annually by the Mahratta forces, which levied what sums they could obtain from each of these chieftains, and in instances of resistance, which were very general, it was their practice to devastate the open country. On the Mahratta power being established in Guzerat, these states were willing to compromise for a fixed tribute: the larger portion of this tribute was allotted to the Peishwa as the head of the Mahrattas, and the smaller to the Guicowar, then the local governor of the whole province. The Guicowar tribute was afterwards fixed by Colonel Walker, and amounted to something less than four lacs of rupees, and that of the Peishwa (subject to his Soubah of Ahmedabad) to more than six lacs. The tribute to the Guicowar is included in what I before stated as the average amount of his revenues.

496. And with respect to the tribute paid to the Peishwa, what has become of that?—It became the right of the East-India Company, by virtue of the conquest of the Peishwa in 1817.

497. What was the province of the Company's territory which adjoined the Guicowar's country before 1802?—The possessions under the presidency of Bombay were extremely limited in the year 1802; the only possession subjected to it was the town of Surat and the circumjacent country, obtained in 1800 from the nawab of that place, and the island of Salsette.

498. What opinion have you formed from your observation, of the condition of the people in the Guicowars and the Company's territories?—As long as the British resident was associated with the Guicowar government, I consider its subjects to have been in quite as prosperous a condition as any of those belonging to the Company: this will, I think, be corroborated by the reports of the governor, Mr. Elphinstone, on his first visit to the province of Guzerat.

499. During the time of the commission of government for the whole of the Guicowar territories, the resident interfered as generally in the territory left under the nominal authority of the rajah as in the ceded or sequestered territory, did he not?—The resident had no concern with the territory ceded; and the sequestered territory is, as I have already explained, under the charge of the late minister of the Guicowar, subject to the control of the political commissioner.

500. Can you state what system of government was adopted on our acquiring the Deccan?—We adhered as nearly as possible to the system we found; but in subsequent years, I have been informed that it has been deemed advisable to introduce the courts of adawlut, and the Company's judicial regulations.

501. What was the system of the native government?—The *manalutdars* or farmers of districts were the chief local authorities; judicial and revenue powers were vested in them, subject to the control of the prince or his ministers, which was very irregularly exercised, and seldom but on urgent occasions.

502. Has

502. Has the Deccan improved since it came into the possession of the Company?—I do not believe that it has equalled the expectations which were entertained on our first possession of it; the revenue derived from the country has fallen short of anticipation; but much of this has arisen from the depression of agricultural produce.

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Major Canham.

Jovis, 8^o die Martii, 1832.

SIR FRANCIS VINCENT in the Chair.

Mr. WILLIAM CHAPLIN called in and examined.

503. WILL you have the goodness to state how long you were in the Company's service?—I have been in the Company's service 26 years.

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504. In what parts of India were you?—I was in several parts of India. I was originally employed for a short time in the Northern Circars; I was then appointed registrar under Colonel Munro, in the ceded districts, in which situation I remained about a year and a half. I was then promoted under him to a subordinate collectorship, a situation which I held for about a twelvemonth; and upon Colonel Munro's departure for England, I succeeded to the charge of the particular ceded districts of the Cudapa division. About a twelvemonth afterwards, I was transferred to the other division of the ceded districts, in which situation I remained till the year 1818, when I succeeded Sir Thomas Munro in the charge of the Southern Mahratta country; there I remained for about a year and a half, as principal collector and political agent, when I succeeded Mr. Elphinstone as sole commissioner of the Deccan, on his appointment to the government of Bombay; and the administration of the Deccan I held for about six years, till I returned to England. I returned to England about five years and a half ago.

Mr. Wm. Chapl

505. Will you have the goodness to state your observations upon the subsidiary system during your residence in the Deccan?—I myself was never employed as a political resident at any foreign court, and had never personally any opportunity of seeing the effects of the subsidiary system.

506. You were chiefly collector, I think?—I was general superintendent in the Deccan.

507. You have never been much resident at the courts of any of the native princes?—No, I have never resided at any of the courts of any of the native princes.

508. Was there any great improvement observable in the condition of the natives?—After we had charge?

509. After you had charge of it?—Yes, there was considerable improvement; there was a gradual extension of cultivation, and a great improvement of revenue.

510. And the condition of the natives themselves, they had greater security of their persons and property?—Their persons and property were more secure unquestionably

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questionably under our rule than under the Peishwa, which had been a system of mismanagement for some years previous to our getting possession of the government. The Peishwa's system of government for several years past had been as bad as possible; the districts had been farmed out to managers, and again sub-rented by them to under-managers; nothing could exceed the misrule that had prevailed for several years; but that is not to be attributed to the subsidiary allowances, but rather to the propensity to disorder which prevails in all the native states.

511. That is to be attributed to the native princes?—Chiefly so; because the system of misrule had commenced before our subsidiary treaty had been formed with the Peishwa.

512. You had no opportunity personally of observing the effect of the subsidiary system?—No, I had not.

513. Were there courts of law established in the conquered territory?—There were no regular courts of law established for three or four years after we took possession of the country; the judicial affairs were conducted by the collectors and revenue officers under my superintendence.

514. Since then regular courts of law have been introduced?—Yes, they have.

515. Had you an opportunity of observing the condition of other neighbouring countries under the dominion of native princes, as compared with the territory in which you served?—I had an opportunity of observing the management of the countries of several of the native chiefs which were immediately under me, particularly the Putwurdun family.

516. That I believe was a favourable instance of native government?—They were in a particularly prosperous condition, and very well conducted.

517. Although you were not in the courts of any of our independent alliances, you must have heard a great deal of current opinion with respect to the subsidiary system, I should think?—I have heard a great deal of opinion certainly.

518. What was the particular objection to it?—The objection was that they tended to impair the vigour of the native government, and destroy the independence of the princes, and gradually to bring those native states under our subjection; that was considered to be the effect of those native alliances. I am myself disposed to think that the evils that have been too exclusively ascribed to the alliances rather than the misrule, ought to have been ascribed to the misrule.

519. Did it appear to you that the inhabitants of the country regretted their former system of government?—The upper classes, I think, unquestionably regretted their former system of government.

520. With regard to the great bulk, I should think it had little effect one way or the other?—I conceive the lower orders were rather favourable to the change of government, as it gave them greater security, and made them less liable to exaction.

521. It was conducted with more regularity?—Yes, it was.

522. Do you apprehend that any cause of apprehension exists to the Company from the discontentment of the upper classes in these ceded districts?—It has been the policy of our government, since we have had possession of the Deccan, to conciliate the upper classes and allow them almost the whole of the privileges which they enjoyed under the former government, and therefore they have no great reason

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reason to be discontented ; but one may fairly conceive that they must feel that they are under foreign rule, and that they are excluded from all the higher offices of government, and therefore in a degraded condition.

523. Your observation would apply principally to those territories that were under the dominion of the Hindoo princes ; it would not apply to provinces under the dominion of the Mahomedan ?—It would apply to all, I think.

524. Do you think it would apply equally to the country under the dominion of the Mahomedan as of the Hindoo ?—The Mahomedans are more assimilated to the native Hindoos than we were. They would also feel the subjection to the Mahomedan government.

525. All offices were open to the natives under the Mahomedan rule ?— They were ; almost all offices were open to the native Mahomedan.

526. Does not the effect of the partition of property lead gradually to the entire subversion of all hereditary aristocracy in India ?—It has, unquestionably.

527. Is not that very much increased by there being no lines of employment open to them, by which they could accumulate property ?—Unquestionably, I think that is very much the case.

528. Do you apprehend that the force necessary for maintaining obedience in the conquered districts is kept up at a less expense than the subsidiary force in a district of equal extent ?—I have never had an opportunity of forming a comparison between the two.

529. Do you know whether the expense is less to the Company ?— I am not able to answer that question with any sort of accuracy.

Martis, 27^o die Martij, 1832.

H. GALLY KNIGHT, Esq., in the Chair.

Mr. JOHN CRAWFURD called in and examined.

27 March 1832.

*Mr.
John Crawford*

531. WHAT political stations did you fill in India ?—I was first, from 1811 to 1817, in various political situations in the island of Java, during the British occupation of that colony ; I was Resident at the court of one of the native princes, called the Sultan of Java ; and I went afterwards on a mission to Siam, and Cochin China, which was of a commercial description. Afterwards, I was British Resident of the new commercial settlement of Singapore ; I was in that situation for a period of about four years. I was then a commissioner in the Burman country, and latterly envoy to the court of Ava.

532. Is that your letter of the 24th of February 1832, Mr. Crawford ?—I have written my opinions in that letter which has been delivered in. I beg to refer to that as my evidence.

[The Letter is delivered in.]

See Appendix

Jovis, 23^o die Februarii, 1832.

VI.
POLITICAL
OF
FOREIGN.

The Right Hon. CHARLES WATKIN WILLIAMS WYNN, in the Chair.

Colonel J. BAILLIE called in and examined.

February 1832.

Colonel J. Baillie.

533. WHAT diplomatic situation have you filled under the East-India Company?—I filled during the period of four years, from 1803, the commencement of the Mahratta war, till the middle of 1807, the office of Political Agent to the Governor-general in the province of Bundelcund; and from that period till my return to England in 1815, the station of Resident at the court of Lucknow.

534. During that period had you an opportunity of tracing the character and effects of the subsidiary system?—From my political situation and duties at Lucknow, at the court of the sovereign of Oude, with whom a subsidiary engagement subsisted, I had necessarily an opportunity of tracing the origin and character, and marking the general consequences of that system.

535. Will you be so good as to detail to the Committee the observations which occur to you upon it?—I should say of the subsidiary system, that I have always viewed it as just and expedient; if not indispensable in its origin, as natural and necessary, I may add, with some exceptions, wise and liberal in its progress; and in its consequences, according to circumstances, occasionally beneficial and occasionally injurious to the interests of the protected state; meaning, thereby, however, the sovereign or head of the state, rather than the people; the government of the protected state rather than the mass of its population. I should say further, that whatever may be the difference of opinion regarding the original character and present tendency of that system in its practical operation, I consider the abandonment of it to be quite impossible now, without hazarding the subversion of our empire in India by a more rapid transition than that of its rise.

536. At what period did the first subsidiary engagement take place with the state of Oude?—That is a matter of history, but I believe the date of the first subsidiary treaty between the British Government and the state of Oude was during the time of the vizier Shoojah-ood-Dowlah, about the year 1765. By that treaty, if I mistake not, a small detachment of our troops was provided to be stationed near the person of the prince, and a brigade stationed in his dominions.

537. Was that intended as a permanent treaty, or merely for temporary purposes?—Unquestionably a permanent treaty.

538. Will you state the progress of the subsidiary system in Oude?—I am not aware of any alteration in the arrangement established by treaty with the vizier Shoojah-ood-Dowlah, until the death of that prince, when on the accession of his son Asáf-ood-Dowlah, I think in 1775, a considerable pecuniary subsidy was granted to the Company for the maintenance of a large body of troops to be stationed in the vizier's dominions, under the command of British officers; and that treaty

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Colonel J. Bamber.

treaty continued to subsist, with occasional modifications, till the year 1798, when Sir John Shore (now Lord Teignmouth), on the deposition of Vizier Ali, and the substitution of Saadut Ali Khan in his stead as the sovereign of Oude, contracted an alliance offensive and defensive with that prince, under which the pecuniary subsidy was greatly increased, and a stipulation introduced which placed a further augmentation of the British military force in Oude at the discretion of the Company's government, and bound the vizier to increase the pecuniary subsidy in proportion to the augmentation of force, as also, in the case of arrear in the regular payment of the subsidy, to furnish such security as should be satisfactory to the British Government. Under the provisions of that treaty, our political relations with the state of Oude continued without alteration till 1802, if I mistake not, during the administration of Lord Wellesley, when some arrear in the payment of the subsidy, and a just apprehension on the part of Lord Wellesley of essential injury or inconvenience to the British Government from the state of the vizier's government and country, induced his lordship to propose to the vizier a new subsidiary treaty, by which a great territorial cession should be substituted for the pecuniary subsidy, and other rights of interference on the part of the British Government in the concerns of Oude should be established; and that proposition (to the acceptance of which an alternative having been offered, the justice of which may be questioned, namely, the total abdication of the sovereignty of Oude by the vizier, and his retirement from the cares of government with an allowance for the support of himself and family) having been finally acceded to by the vizier, a treaty was accordingly concluded in the month of January 1802, by which a moiety of the vizier's dominions was ceded in perpetuity to the Company, and some new obligations were imposed upon the sovereign of Oude, for a detail of which I refer to the treaty. Such is the nature of our present relation with the state of Oude. The result of that relation has unquestionably been continued misgovernment on the part of the sovereign, and oppression of certain classes of the people, which however may perhaps with justice be ascribed to the inefficient exercise of the legitimate right of interference possessed by the British Government under the last-mentioned treaty, rather than to any inherent quality in the general system of subsidiary alliances, or to the effect of that system in particular as regarding the state of Oude.

539. Have the subsidiary engagements superseded all other military force maintained by the king of Oude, or does he employ any force in addition?—By the last treaty with the sovereign of Oude the number of his own troops was limited to, I think, four battalions of infantry and 2,000 horse; but that the treaty will show. I should have said that the last treaty of Lord Wellesley was meant to supersede entirely the necessity of the vizier's maintaining a force of his own, by furnishing an ample force for his protection.

540. Then he is not subject to a contingent force?—No.

541. When Lord Wellesley proposed that alternative, the abdication of the vizier, did he intend to take the territory for the Company, or to give it to some other person?—To take on himself the government of the country, to administer the government on behalf of the East-India Company.

542. The vizier was considered a dependent of the Mogul, was not he?—Yes; nominally a servant of the empire, but always independent of the emperor since the

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commencement of his alliance with us, and ultimately declared to be even nominally independent of that sovereign, by an act of the British Government during the administration of Lord Hastings, who permitted and encouraged the vizier to assume the title of sovereign.

543. Was that with the concurrence of the Mogul?—Certainly not.

544. He is now called King of Oude?—He is.

545. In fact, we freed him from his allegiance?—Yes; but the allegiance has been almost entirely nominal ever since our political connection with Oude, except in its very beginning.

546. What has been the effects of the subsidiary engagement, as far as regards the sovereign of Oude, as to relieving him from all the cares of government: has not the resident assumed all the powers of government?—It has certainly relieved him from most of the cares, and almost all the charges of government; but I am not aware that the resident has ever assumed any of the powers of the government, nor interfered with them in any respect beyond the most limited sense of the provisions of the subsidiary treaty. I cannot, perhaps, better explain the immediate effects of that treaty, as regarded the vizier's power and wealth, than by stating, that whereas at the date of the treaty the state of his treasury was such as to occasion a great arrear in the payment of the subsidy to the British Government, there being a load of public debt besides, and although by that treaty one half of his territory was ceded to the British Government, yet at the period of his death, which happened when I was minister at his court, in the year 1813 (11 years after the date of that treaty), his treasury was ascertained to contain a sum of not less than 13 millions sterling, realized from half his original territory during a period of 11 years. It is obvious, therefore, that he must have derived considerable advantage in one respect at least from the stipulations of that treaty.

547. In what manner had that revenue been collected?—In a variety of ways, not altogether creditable, I fear, to the character of the sovereign.

548. Had it been collected under the influence of the British force?—Certainly not altogether, though the British force was frequently employed in assisting the collection of the revenue.

549. Was there not a case in 1810 where the collection of the revenue was enforced by the subsidiary force?—It was always enforced when it was necessary so to do, under an express provision of the treaty by which we are bound to protect the state of Oude from foreign invasion and internal commotion; and therefore every resistance to the authority of the prince must be put down by our assistance.

550. Do you apprehend so large a sum could have been collected by the sovereign of Oude, but under the terror of the employment of the British force, if necessary, to collect it?—The great amount which I have stated to have been found in the treasury of the vizier cannot all be supposed to be the realized revenue of his dominions during the period of 11 years, but unquestionably was partly the result of extortion practised by himself, not from the general population of the country, but from wealthy individuals connected with his person and government, over whom at all times he exercised an uncontrolled authority, except in particular cases, where the subjects of his government or the relations of his family having become by particular circumstances the objects of especial regard to the
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British Government, and entitled to claim its protection, were protected from the extortion of their sovereign.

551. You have stated he exercised an uncontrolled power; supposing the subsidiary engagement had not existed, might not that have been controlled by the terror of insurrection or resistance on the part of his subjects?—It is possible that the government of Oude might have changed its possessor several times during the period of its connection with us, if that connection had not subsisted, and general commotion or rebellion might thus have been productive of much worse effects to the country than any that can possibly be ascribed to the effects of the subsidiary alliance.

552. But does not the fear of insurrection or resistance, in fact, operate as a control over the native princes in their natural state, when the British Government does not interfere to protect them?—It may have that tendency certainly in some cases, while, on the other hand, the fear of British interference may produce a similar effect to a still greater degree.

553. During the period that you exercised the functions of resident, did it appear to you that the sovereign interested himself more or less in the concerns of his government, in consequence of the subsidiary alliance?—The vizier, Saadut Ali, was a person of extraordinary talents and powers of mind, although those were unhappily perverted to the gratification of the leading passion of his mind, avarice; but unquestionably his time was very much occupied in and devoted to the management of the concerns of his government.

554. Is not the general effect of the subsidiary system to direct the minds of the native rulers rather to increase their own private treasure than to consult the general welfare of the country?—I am not aware that it can be justly said to have generally that tendency, inasmuch as the predecessor of the prince to whom I have referred, though certainly inattentive to all the concerns of his government, was also constantly poor and labouring under the pressure of debt, without any accumulation either of public or private treasure; while, on the other hand, the condition of his successor affords an example of the contrary tendency, namely, of great attention to the concerns of his government, and also of great accumulation of wealth.

555. Has the king of Oude two separate treasures, a private and public treasure?—I believe not. I never understood there was any separation.

556. Have not some of the native rulers?—I should say not, as far as my observation or knowledge extends.

557. Was the interference of the resident ever exercised to relieve the inhabitants of the country from any oppression or extortion?—Constantly; on every necessary occasion, as far as his power extended.

558. Was his right of interference recognised to the extent of making him a medium between the prince and his people, so that they both referred to him as to their natural protector?—That question, if I understand it right, may be answered affirmatively in only a limited sense. The immediate relations and other subjects of the vizier, who had from particular circumstances on certain extraordinary occasions established claims to the protection of the British Government or to its mediation with their sovereign, naturally, on all occasions when necessary,

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appealed to the British resident for protection, and his right of interference in their behalf was recognised by the vizier; but with that exception alone, the resident could never be considered as a medium of intercourse between the people of Oude and their sovereign.

559. Did you find the necessity for that interference gradually and unavoidably increased?—The number of persons entitled to the mediation of the British Government, as above explained, was fixed either by treaty or by occasional conventions between the two states, and therefore was not subject to increase, but rather to diminution, except in cases where large families succeeded to individuals, and the number of claimants was increased though the subject of interference remained the same. As for example, a person entitled to British protection, whose pension was guaranteed to him for his life and to his descendants after him, if he died and left a number of children, the number of claimants or protected persons was increased, as a distribution of his pension must have followed, and the arrangement of that distribution was a matter generally settled between the prince and the British minister, that is, between the power from whom the stipend was derived, and the representative of the power who guaranteed it.

560. The Committee wished to have directed the question to the interferences of the British Government in the internal concerns of the government of the country, whether that did not increase the necessity for interference?—The necessity for interference must always in a great measure, if not exclusively, depend on the character of the prince. If his demands from his subjects be just or unquestionable, or if they be submitted to without resistance or appeal, no interference on the part of the British Government can ever take place: it is only in cases of resistance on the part of the subject, and demand of assistance by the prince, that our interference can ever be exercised.

561. Do you mean that the interference of the resident in the internal concerns of the country is confined to cases in which the people resist or object to the payment of revenue?—In my own case, I should say positively that it was. Cases of individual appeal from subjects or dependents of the British Government residing in the territory of the vizier, may occasionally have required my interference, but that was of a different nature from the interference to which the question refers.

562. But the resident interferes in no other part of the internal administration?—No; only in the cases which I have stated.

563. Can you state to us the beneficial results which, in any instance, have followed the exercise of your interference?—I have no hesitation in stating, that during the period of my residence at Lucknow many cases of injustice and extortion on the part of the vizier and his subordinate functionaries, in the collection of the revenue and otherwise, were either entirely prevented or greatly diminished in their effects.

564. Will you state more in detail what the interference was to which you alluded?—In every instance of an application from the vizier for the aid of the British troops, either to enforce a demand or to quell an insurrection, it was my duty, if I had any doubts on the subject, first to ascertain as nearly as possible the true cause of the resistance complained of, and to submit the result of my inquiry for

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for the consideration of the p^{ri}nce, before proceeding to employ a military force in support of his authority. In many cases my representations were productive of beneficial results; on some occasions the vizier was less disposed or indisposed to listen to my representations, and the result was necessarily different.

565. You have mentioned that there was no other interference in the internal administration than when application was made for assistance in collecting the revenue; did the resident never enter into discussions with the sovereign as to a reform of the expenditure or diminution of his expenditure?—Never, to my knowledge, as to his expenditure. The great question of a general reform in the vizier's government, which was agitated between him and me for several years, as may be seen in the Oude Papers, was of a different nature entirely from that of the question of his expenditure.

566. Was it not the practice with the residents at the other native courts?—Not to my knowledge, nor do I see how it could be so, except in the supposed case of an arrear of subsidy.

567. In most instances have our subsidies been changed into cessions of territory?—They have.

568. In which case all interference on that head is out of the question?—Yes.

569. If any serious rebellion had taken place in consequence of a very gross act of oppression, should you as resident have felt yourself at liberty to refuse giving your influence to suppress it, or to refuse to allow the troops at your disposal to act?—Certainly not.

570. However gross the oppression might have been?—It was the duty of the British Government, under the stipulations of the treaty, to put down any actual rebellion without stopping to consider either its remote or proximate cause; but in all the ordinary cases of a demand for assistance in the collection of the revenue, I should have felt it my duty to inquire into the causes of resistance, and if possible to suggest a remedy without the employment of military force.

571. If you conceived the enforcement of the claim to be decidedly unjust, should you have thought yourself at liberty to refuse the assistance of the subsidiary force to collect it?—I should have stated the case to the Government in all its details, and have required the order of Government before I proceeded to comply with such a requisition for the employment of the subsidiary force.

572. Has there ever been any case within your knowledge in which such a requisition has been refused to be complied with?—The volume of Oude Papers, comprising my correspondence with the Government during the time I was resident, contains several of the cases referred to.

573. Are the instructions given to residents very precise, or is there a considerable latitude allowed to them?—It is impossible generally that they should be so. I have stated in my written answer to one of the questions proposed by the Board of Control, as nearly as I could, what is the nature of a resident's duties, and I beg to refer to that statement in answer to this question.

574. Will you refer to some of the cases contained in that volume?—There are several cases of the nature referred to in these Papers, and in one page, accidentally opened at this moment, I see an extract from a letter of mine to the vizier, in
answer

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answer to a requisition for the aid of troops, which shows the nature and extent of the interference that was exercised by me on that occasion.

575. There was also the proposal of appointing an officer of your own selection to conduct the inquiry proposed?—Yes, on that occasion.

576. Would not that be taking the patronage out of the vizier's hands?—So it was considered by the vizier, and therefore refused, and immediately abandoned by me.

577. A very sudden emergency might happen, in which it was impossible to refer to the Government; in that case the resident would consider himself bound to support the reigning prince under all circumstances whatever?—Unquestionably.

578. In short, the vizier is completely relieved from all fear of deposition?—Completely so.

579. Is there not usually an article in the treaties restricting the prince from employing the subsidiary force in the collection of the revenue, or in any part of the civil administration?—No; I am not aware of any such stipulation.

580. Not a soldier can move without the orders of the resident?—No, not of the subsidiary force.

581. You have mentioned the increase of the public treasury during this period; did it appear to you that the internal condition of the country derived an equal improvement during that period?—I should say not. I should say that there has been little or no improvement in the state of the country since I have known it; in that portion of the country I mean which remains under the government of the vizier.

582. Has there been deterioration?—I should say that there must have been since my return to this country; indeed I have reason to know that the state of the country is much worse than it was in my time, or at any antecedent period; but, that I ascribe to the want of an efficient interference on the part of the British Government.

583. Did you consider that the country had at all improved during the time of your residence?—In some districts which were committed to able management, I did perceive a manifest improvement in the state of the country. I cannot say any great amelioration of the condition of the inhabitants, but an improvement by increased cultivation of the soil, and augmented sources of revenue.

584. Did you, during that period, conceive the general situation of the inhabitants to be ameliorated, deteriorated, or stationary?—Stationary, I should say.

585. Was the condition of the ceded territory improved since its cession?—Very greatly.

586. Is the non-efficient interference of the British residents attributable to the restrictions imposed on them?—No doubt.

587. Then a more efficient interference would amount to their assuming the whole powers of government?—Not altogether that; much must depend on circumstances. It is impossible to suggest a perfect remedy for any evil the exact nature and extent of which are unknown. I should say that an efficient interference is unquestionably preferable to the vacillating and inefficient system which has sometimes prevailed in the state of Oude, to which of course I apply my observation.

588. Will

588. Will you describe some of the occasions to which you allude as examples of vacillating interference?—There are a few striking examples of what I mean afforded in this collection of Papers. It will be seen, that on several occasions of requisition for military aid to enforce the collection of the revenue, a doubt had naturally arisen in the mind of the resident respecting the justice of the demand, inasmuch as the employment of military force for the collection of revenue is entirely unknown in our own dominions. In consequence of that distrust, the resident naturally felt himself bound to inquire into the circumstances which produced the requisition for military aid, and finding his suspicions confirmed by the result of his inquiry, he suggested to the prince a mode of accommodation short of the employment of military force. The adoption of that recommendation was generally productive of the desired effect; whereas the rejection of it necessarily required on the part of the resident a statement of the facts of the case for the consideration and instructions of the government. In some instances the efficient support which was afforded to him by direct remonstrances on the part of the Governor-General, or otherwise, occasioned an acquiescence in his suggestions; in other cases that support was withheld, and in consequence the influence of the resident was necessarily diminished, and effects more injurious were produced than might have been the consequence of his immediate compliance with the requisition for military aid. Examples, however, of improper interference may also be supposed, and perhaps discovered in these Papers, on the part of the resident himself, without any reference to the government; and thus it may be said that the degree of interference to be exercised, and the result of that interference, must depend at all times partly on the character of the resident, partly on the conduct of the government, and mainly on the character of the prince.

* 589. You never had an opportunity of seeing the effect of native government by means of a dewan?—In my own personal experience I never had, but there were two ostensible ministers of the vizier's government supported for a series of years by Lord Cornwallis, under whose administration the state of the government and people of Oude was certainly not better, and I should say generally worse than at any other period of my observation.

590. In short, it is not a system you approve of?—I cannot speak of the two systems comparatively from my own experience. There are certainly some examples of good government by means of a dewan, of which I can speak historically; for instance, the dewan of Mysore.

591. Which is very much attributable to the personal character of the minister?—Yes.

592. And that was during a minority?—Yes.

593. Do you conceive the internal state of the districts which were ceded to the British Government to differ materially from the rest of the territories?—Yes; I have no doubt whatever of the great amelioration of the condition of the people, the great improvement of the lands, and a very great increase of revenue, which have arisen under the Company's management.

594. Is it your opinion that the subsidiary system generally tends to produce good or bad government, as far as regards the condition of the people?—I am very doubtful, I confess, of its tendency to produce either the one or the other. The principal

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principal objection which has been stated to our subsidiary alliances in general, is the great inconvenience and embarrassment occasionally produced to our government by the practical operation of those alliances; with regard to which I would observe, that to deny the existence of those embarrassments would be, in fact, to maintain the proposition that the cares and difficulties necessarily attendant on the government of a mighty empire, are no more than those which attend the direction of a commercial establishment; or that it is as easy to govern the vast empire which we now hold in India, as to superintend our original commercial concerns. But, on the other hand, to infer from the existence of such embarrassments as those, that the subsidiary system in itself is either unjust or impolitic, or that the disadvantages attending it counterbalance the benefits which it has produced by contributing to the establishment of our empire and to the maintenance of public tranquillity in India, is, in my humble judgment, as extravagant as to maintain the other proposition.

595. You stated you were first employed in the province of Bundelcund?—Yes. We occupied that province in 1803, partly as a measure of defence against the confederated Mahratta states, and partly under the provisions of a supplemental article of the treaty of Bassein with the Peishwa. I was employed in conducting that occupation.

596. Were you with the Peishwa at that time?—No; Bundelcund is a province of Hindostan.

597. You can hardly speak to its effects there?—There is no subsidiary system there.

598. There is no subsidiary treaty existing with Bundelcund?—No.

599. Is Bundelcund now under our own dominion?—Yes.

600. Did you administer the government of the ceded territory, or were there agents from Calcutta?—The treaty of cession took place in 1802, and I became resident in 1807.

601. Does the resident administer the government of the ceded territory?—No, he has no connection with it whatever; it is under British rule, like the original dominions of the Company.

602. Is it your decided opinion, then, that the subsidiary system is the best which, in the existing circumstances of our Indian empire, can be adopted for its government?—I am decidedly of opinion that it cannot be totally abandoned without hazarding the subversion of our empire. In some instances, particularly with regard to the more remote and the more recent subsidiary arrangements, and more especially those with the petty states of Central India, it may perhaps justly, and if so, I think ought to be modified.

603. Our late subsidiary treaties have been more definite, have they not, with regard to interferences?—Yes, I believe so. The subsidiary treaty with the rajah of Mysore was in some important respects more definite than the original treaty with the sovereign of Oude; but I have no distinct recollection of the precise stipulations of any of the treaties referred to, except those which I have already described.

604. In what year did you leave India?—In the year 1816; I was nearly nine years resident at Lucknow.

605. Would

605. Would your idea of an efficient resident be realized by giving him a seat in the cabinet or council of the prince, so that he should have a voice in his measures?—The prince to whom I was accredited had no cabinet nor council; there was no such thing during my residence at Lucnow. The government was purely despotic, in the person of the sovereign alone.

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606. He has his leading minister, and he takes a part in the public business himself; would not it be as well to associate the resident with the sovereign and the minister; would not that be giving him an efficient control?—The present sovereign of Oude has, I believe, an efficient minister, but I doubt the practicability of the suggestion, in the first place, and the efficiency of it, even if acceded to by the prince.

607. Did you not conceive yourself authorized under the treaty to interfere with your advice in every part of the internal administration of the state of Oude?—Certainly not in every part of the internal administration, if by that is intended the household concerns of the vizier.

608. That is, not with his private transactions, but an interference with the internal concerns of the country?—I should say not, unless my advice was desired, or until I became aware of some act of the government having a tendency to infringe the relations established by treaty; and here I beg again to refer to my description of the duties of resident, according to my conception of them, contained in the written answer to the questions of the Board of Control.

609. Under the treaty do you not conceive there was an express stipulation for the resident to offer his advice on every part of the internal administration of the country, and an engagement on the part of the vizier to act in conformity with his counsel?—In answer to that question, I must state that my conception of the rights and duties of the British Government and its representative at the court of Lucnow, under that particular provision of the treaty, was always more extensive than its interpretation by any of the governments which I served.

Mercurii, 30^a die Maii, 1832.

The Right Hon. CHARLES WATKIN WILLIAMS WYNN in the Chair.

HENRY RUSSELL, Esq. again called in and examined.

610. Is there anything you wish to state to the Committee in addition to your former evidence?—There is one fact in my former evidence which I am desirous in the first instance of correcting; and after having done so, with the permission of the Committee, I should wish to take this opportunity of making a few additional observations on the subject of the subsidiary system. When I had the honour of attending the Committee before, I stated that the first treaty that could fairly be called a subsidiary treaty was that of Paungul, concluded with the Nizam in 1790, preparatory to Lord Cornwallis's war with Tippoo. The treaty of Paungul was not in terms a subsidiary treaty, though the conclusion of it was, in point of fact,

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the origin of our subsidiary relations with the Nizam. By the treaty of 1768 we had engaged to supply the Nizam with two battalions whenever he should require them; but he did not require them; and it was only when the treaty of Paungul was made, with a view to combined operations against Tippoo, that those troops were required by the Nizam, and furnished by us, which constituted the foundation of our subsidiary force at Hyderabad. Having in my former evidence laid stress upon the mischief that has been done by our subsidiary system, I am anxious to make a few observations respecting the circumstances under which we resorted to that system; the consequences which were likely to ensue if we had not done so, and those which would in all probability be produced if we were now to abandon it. At the time when Lord Wellesley concluded the treaty of Hyderabad in 1798, the power of Tippoo and the Mahrattas was unbroken. Tippoo's hostility against us was implacable: he was actuated by both political jealousy and religious fanaticism, and would unquestionably have attacked us if we had not attacked him. The Mahrattas were alarmed at our progress, and would rather have assisted to overthrow than to support us. Bodies of disciplined troops, commanded by French officers and influenced by French feelings, were maintained by both Scindia and the Nizam; and Tippoo had to a certain extent adopted the same policy, though his jealousy of all Europeans, and his hatred of all Christians, prevented his allowing the French in his service to acquire the same influence which they had attained under other governments. The Nizam, who had been just defeated by the Mahrattas, and was afraid of a renewal of their attack, was compelled to look abroad for support; and if he could not obtain it from us, was resolved to seek it from the French. Under these circumstances, it was difficult for us either to abstain from acting at all, or to act differently than we did. Our alternative lay, not between enlarging our possessions, and preserving them as they were, but between the abandonment of what we had and the acquisition of more. Standing still was out of the question; we were compelled either to advance or to recede: to advance was, as it has proved, to subjugate by degrees all the native states; to recede was to sacrifice our own power, and not only to throw away but to throw into the hands of our enemies all the fruits of our previous enterprize. We had no longer the choice of peace or war; our only option was whether we would attack our enemies at our own time, or leave it to them to attack us at theirs. A system of protracted defence was wholly incompatible with our position; it would have exhausted us by its expense, and have given our enemies that confidence, in their want of which our superiority mainly consisted. We had a choice of difficulties; and even now, with all the consequences before us, there is no reason to suppose that we should have fared better if we had pursued a tamer course. Whatever effect our measures may have produced upon the native states, they at least served the purposes for which we adopted them; they prostrated all our enemies, both Indian and European, and averted those dangers by which, if they had not been averted, we should unquestionably have been crushed. It is not easy to say what shape events would have taken if Lord Wellesley had rejected the overtures of the Nizam for a closer alliance, and abstained from making the provocations of Tippoo a ground of war. Things could not have continued as they were; a crisis had arrived in which some state or other must have taken the lead. India had,

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had, from long usage, become accustomed to acknowledge one dominant power, and if we had hesitated to take that character upon ourselves it would have been assumed by some of our rivals. The French, from their want of naval power, and the consequent inability to draw resources from their own country, could hardly have reached a higher position than that of auxiliaries: but although they could not have acquired so firm a footing as we have, they would still have prevented our acquiring any footing at all; and be the advantages that any European power can derive from an establishment in India what they may, they would have secured all those advantages for themselves. The struggle for supremacy would have been between Tippoo and the Mahrattas, and neither of them would have suffered us to retain what we had acquired; whichever had prevailed, whether Mahomedans or Hindoos, we should not, as a political state, have been tolerated by either. In the progress of events some enterprising leaders might have established separate principalities, and some small states might have risen to consequence at the expense of their neighbours; but the probability is that the Nizam and other feeble princes would have disappeared, and that their territory would have been divided or contended for between Tippoo and the Mahrattas. Strong governments would have been substituted for weak ones; and after a process, which has been of too frequent occurrence in India to be looked upon as a very grave calamity, the people generally might have attained a degree of prosperity greater than we have been able to confer upon them, certainly in the protected territories, and probably even in our own. But although the people of India might have fared better if we had originally thought of them rather than ourselves, we could have promoted their interests only by the sacrifice of our own; and it by no means follows that it is now in our power to repair the mischief by the abandonment of our ascendancy. If we were to withdraw our control and protection now, in what condition should we leave the native states, and in what condition should we place ourselves? Though we may take from them what we have given, we cannot restore what we have taken away. Our control has been so long in force, and has been pushed to such an extent, that not a government is left capable of standing by itself. There is neither any single power to take our place, nor any number of powers to contend for it. The only bond that holds the political community of India together would be broken; the native states would fall to pieces from their own weakness, and become the victims of intestine commotion, or the prey of lawless plunder. The contagion once abroad, would spread in every direction; India would be a scene of universal anarchy and rapine; our own possessions would be invaded and distracted by the disorders that surrounded them; and we should find that our change of policy, instead of restoring the power of our allies, had been the destruction of our own. Peace and order, though they might be the ultimate, would be a distant result, and would be that order only into which anarchy subsides; India would have many a bloody struggle to undergo before she was at rest. It is now too late for us to recede, either with justice to other states, or with safety to ourselves. Whether we consider the interests of India, or those of England only, we must pursue the career in which we have advanced so far. It is vain to think of stooping from our ascendancy, or reviving among the native states that vigour which has been extinguished. Their

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decline is not to be arrested by any sacrifice we may make of our own power. They must proceed and complete their course; in spite of all that we can do to prevent it, they must fall successively into our hands, and partake at last of our downfall; of which, whether it be slow or sudden, violent or easy, the period will probably be hastened by every increase of our territory or subjects.

611. Can you state what, in 1798, was the opinion of the English authorities with respect to the system of policy adopted by the Marquis Wellesley?—I have not the means of speaking positively as to any orders which may have been transmitted on the subject from England. I apprehend that a general disapprobation prevailed of any measures likely to lead to an extension of territory, or to more intimate relations with the native states of India; but the position and designs of Tippoo at that time constituted a crisis which suspended all ordinary principles and orders.

612. Are you of opinion that it will be advantageous to increase our interference in the states of India, so as to give it a more direct character, or to continue the subsidiary system upon the best regulated plan possible?—I am afraid that where we have already contracted subsidiary engagements, we must of necessity increase our interference; but at the same time we ought to do what we can to check the extension of it, and to administer it in such a spirit as to give as little offence as possible to the officers of the native states whom it is intended to control, and by whose opposition, if we drive them to oppose it, its efficacy must be essentially counteracted.

613. Do you think it would be advantageous to increase it so as to give it a more direct character, or not?—It is almost indispensably necessary to increase it where it already prevails. I am afraid that much of the mischief that has arisen has been the result of an indecisive mode of exercising our interference; we have acted without any uniform principle, sometimes going beyond and sometimes falling short of the proper line.

614. Then your decided opinion is that, where it has already began, you think it must of necessity be increased?—Precisely so; I am afraid there are no means of curtailing it.

615. Does that opinion apply generally to India, or do you think there would be reason for distinction in the different states?—Generally to that part of India under the rule of native princes.

616. Should you say it applied to the Rajpoot states?—Our alliance is not of such long standing in the Rajpoot states, and therefore has not acquired so firm a hold; but I am afraid it will in the end be the same there as everywhere else. We have taken the native states generally under our protection; and one of the objects for which we are bound to exercise our interference, is to protect the people against their own sovereigns, as well as those sovereigns against external enemies.

617. Then it has not gone to so great a length in the Rajpoot states as in the other states?—Certainly not; it has not been so long in action.

618. Will you be good enough to state how long it has been in action?—It has been more or less in action since the war which took place in 1803. At that time we formed engagements with the Rajpoot states, which were subsequently abandoned; but they have since, after a considerable interval, been renewed.

Martis, 17^e die Julii, 1832.

The Right Hon. CHARLES WATKIN WILLIAMS WYNN in the Chair.

RICHARD JENKINS, Esq., a Member of the Committee, examined.

VI.
POLITICAL
or
FOREIGN.

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Esq.*

619. How far, in your opinion, have the principles of justice and expediency been adhered to in the general course of policy towards the Native States of India since 1813?—In answering this question, I shall confine myself to that field of politics with which I am chiefly conversant, viz. the last great advance of the subsidiary system, and its justice and expedience, as connected with the war of 1817-18. The great powers of India unconnected with us by subsidiary alliances, in 1813, were Sindia, Holkar, and the Rajah of Berar. Our treaties with all of them, the result of their confederacy against us in 1803, were mere instruments of general amity. Their intercourse with one another was unrestrained: but they were bound to submit to our arbitration in all disputes with our allies. Sindia and the Rajah of Berar only had residents at their courts, but they were left perfectly independent in their internal concerns; all three had been sufficiently weakened to prevent them from endangering the existence of our empire by a new confederacy, and their strength was too equally balanced to lead us to fear the union of their resources in the hands of any one of them by conquest; whilst it was believed that a judicious system of internal defence, joined to the established reputation of our superiority in arms and policy, would avert the only danger we had to fear, which was the predatory incursions of the irregular bodies of horse scattered over Central India.

These expectations, however, proved fallacious, and partly the weakness and partly the insidious policy of the Mahratta powers, guided by their enmity to us, were the means of bringing upon us and our allies a succession of serious losses and expenses not inferior to those of open war. Between 1806 and 1817, besides other military charges of considerable magnitude which we had been compelled to incur, (two armaments, for instance, against Meer Khan, in 1809 and 1812,) to prevent the establishment of a predatory Mahomedan power in the Deccan, our own provinces had several times, and the dominions of our allies, the Nizam and Peishwah, incessantly been plundered by the Pindarries; and to guard against their ravages we were exposed to the annual burthen of extensive military arrangements on all our frontiers. The armies of Sindia and Holkar too were broken into different bodies, acting under the mask of independence of their nominal masters, though in real concert with their views, and had on several occasions violated our territories, and those of our allies and dependants.

The field for plunder was daily becoming exhausted in Central India and the Deccan, and year after year was distinguished by some extension of plundering expeditions; Hyderabad and Poonah, Surat, and Mirzapore even, no longer bounded them. The Carnatic to the south, and Cuttack and the Northern Circars to the east, felt their ravages, and vain were all defensive arrangements against an enemy whom no difficulties or distance could deter, no obstacles, natural or artificial, impede

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impede in their rapid career of plunder and devastation, which, especially in our provinces, was attended with cruelties and horrors that have hardly a parallel in history.

We had applied in vain to Sindia and Holkar to take effectual measures, with or without our aid, to repress the Pindarries. The only measures adopted by Sindia were directed to render their subservience to his purposes more strict and definite than they had lately become; to secure a share in the fruits of their depredations on us and our allies; at the same time covering his secret support of them by some show of zeal for their suppression, in order to prevent us, as long as possible, from taking our own measures. Finding, however, that we were not to be deceived by such demonstrations, he ratified our suspicions of his hostile dispositions by uniting them with his own army, and even assuming a tone of defiance during the Nepaul war.

Holkar's government was entirely in the hands of Meer Khan, who, we had certain grounds of knowing, was in league with the Pindarries; and the proceedings of Holkar's government, under the councils of that chief, with regard to those bodies of Pindarries who were acknowledged to belong to the Holkar State, were parallel with those of Sindia towards his portion of them.

The Rajah of Berar (Raghogee Bhoosla) was equally hostile in disposition with the other Mahratta powers; and whilst his weakness and perverseness had exposed us to dangers, through his position with reference to our rich provinces of Bengal, Behar, Cuttack, and the Northern Circars, as well as those of our ally the Nizam, to which his territories furnished an unmolested route to the Pindarries, he was not disposed to join with us in any efficient plan against those freebooters. It was not till his death, in 1816, that an alliance with the Bhoosla was effected. But the consequent advance of our troops to the Nerbudda, which at first alarmed the Pindarries, and if any defensive measures could have been effectual, would have kept them in check, in the end only served to aggravate the evil, by showing the futility of such measures, and rendering those freebooters bolder than ever.

Considering, then, the Pindarries as subjects of Sindia and Holkar, we had a right to demand their suppression at the hands of those chiefs, as well as restitution and reparation to ourselves and our allies, on pain of instant war; or if we found those chiefs unable to remove the nuisance, and at the same time too perverse to admit of our interference; still more, if we found them in league with the plunderers, as was the fact, we were justified in taking our own measures, and acting for them as they ought to act, according to our views of their duty, and of the plans requisite to place our interests on a permanent footing of security, in spite of any appeal on their part to treaties or to arms.

If, then, the justice and expediency were admitted, and indeed it could not be denied, of putting down the predatory powers, and providing permanently against their revival, it appeared that no half measures could be adopted, with any sort of justice to ourselves. The strong probability that existed of hostile opposition on the part of the Mahratta powers, singly or united, required us to put forth all our strength, and under such enormous charges as this would involve, we could not submit to be thwarted, or to be cajoled, by any of them, into anything short of a radical cure of the system. No military operations, based upon any trust in the assistance

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*Richard A.
Esq*

assistance or good-will of those powers, would have been effectual to the destruction even of a tithe of the predatory bodies in question. • The chiefs of Rajpootana and Central India, whose co-operation was essential, and who were anxious, as joint sufferers, to assist us, would not dare to do so, unless we guaranteed their future safety from the revenge, which could only be done by releasing them from the yoke, of the Mahrattas and Pathans. Nor had we a shadow of ground for anticipating any improvement in the native governments, great or small, who, during 10 years, had neglected, and even fostered, the growth of the predatory system, without the constant exercise of a close and vigilant control on our part over their future conduct. This could only be effected through a new system of treaties and military arrangements, supported by corresponding acquisitions of means, in territory, subsidies, or tributes, and uniting the States of Central India in one common bond of defensive alliances, under our supremacy. Such was the plan adopted by Lord Hastings in 1817. • Under it, the spirit of predatory association has expired; our own dominions, and those of our old allies, have been allowed to flourish, unvexed by foreign invasion. The prosperity of Rajpootana and Central India has been resuscitated, and to this day they remain substantially in peace, both domestic and external; whilst, as far as I know, the occasional inconveniences and embarrassments which naturally attended such complicated concerns, have scarcely been a blot on the general happiness and good feeling of the rulers or inhabitants of those regions.

The contests with Holkar, the Peishwah, and the Bhoosla, were most important episodes in what is called the Mahratta and Pindarry war, but what was intended to have been purely a Pindarry war, until those princes identified themselves with the predatory powers. I have said before that resistance was anticipated from Holkar and Sindia; the latter, indeed, was only kept out of the field by the masterly military combinations of Lord Hastings: but no one could have foretold, without the imputation of unjustifiable distrust in their good faith and honour, the treacherous defection of our allies, the Peishwah and the Bhoosla, who had both suffered, and particularly the latter, from the Pindarries and the Pathans, most severely, for a series of years.

The whole course of these contests, in their origin, progress and consequences, are fully developed in the printed collection of papers relative to the Mahratta and Pindarry War; and their justification, as far as we are concerned, is therein so complete, in my opinion, that I will not attempt further to enlarge upon them

